A MEMOIR.

AUGUSTUS SUMMERFIELD MERRIMON.

NORTH CAROLINA
STATE LIBRARY.
Case 17
Shelf 71

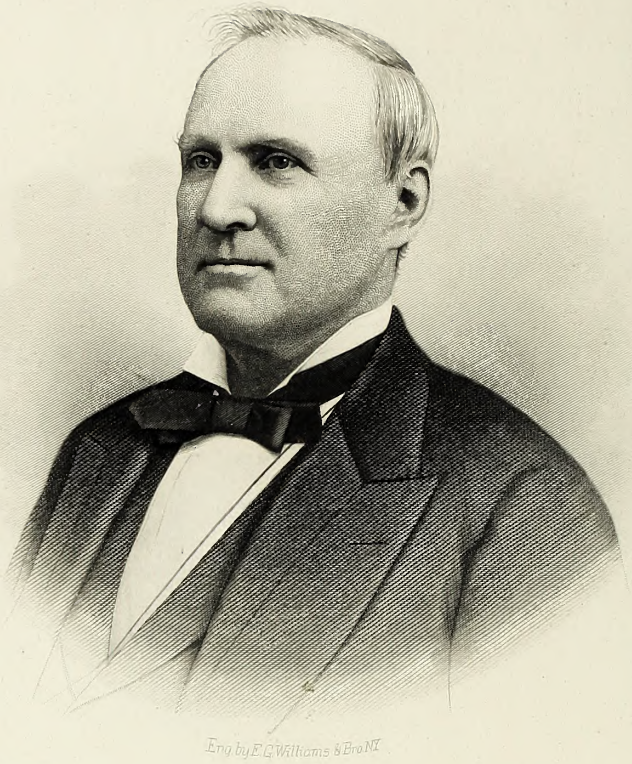
North Carolina State Library

Gift of

The State Library
Presented by
Maud Lillian Merriman
November 1894.

Digitized by the Internet Archive
in 2018 with funding from
State Library of North Carolina

https://archive.org/details/memoiraugustussu00merr_0



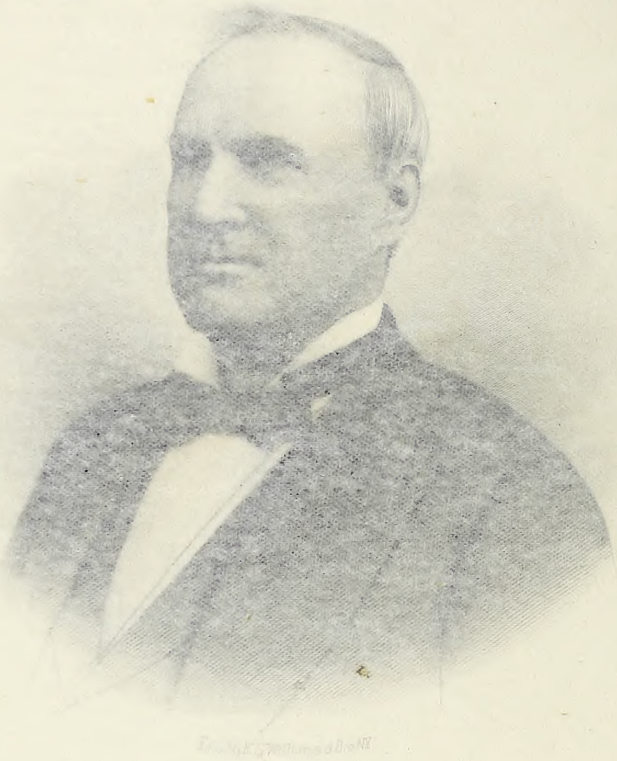
Eng by E.G. Williams & Bro N.Y.

I am &c Jas. Truly,
A. S. Merriman.

A Memoir.

Augustus Summerfield Merrimon.

"With Christ, which is far better."



Yours truly,
J. S. Morrison.

A Memoir.

Augustus Summerfield Merrimon.

"With Christ, which is far better."

B
M571M

A TRIBUTE

TO THE MEMORY OF MY

BELOVED FATHER.

PREFACE.

This sketch was written for the relatives and friends of him to whose memory these pages are dedicated, and being written for those who loved him and who feel more than a mere passing interest in his life and work, I feel that there is little need of apologizing to them for its defects, in a literary point of view, and trust that they will be overlooked in according this tribute its only claim to merit—that of being what it is, a work of love.

The greater part of the material for the sketch has been obtained, as a matter of course, from relatives and friends; from sketches written in the past; from old letters and press-cuttings. These are responsible for many of the facts brought forward.

As to the character and personality of the subject, it has been my object to delineate it plainly and truthfully, as I knew it and revered it.

If this description of a noble, upright life will be able, under God's blessing, to adequately express the grand possibilities of attainment for integrity and Christian manhood, and thereby become even a tiny seed which will bear good fruit, this tribute will not have been written in vain. A wreath of memories, it is laid upon the shrine of parental love by one whom my father knew as

"BIRDIE."

HIS YOUTH AND EARLY MANHOOD.

In that garden-spot of the Old North State, in what was then Buncombe county, but is now Transylvania, was born the subject of this memoir, Augustus Summerfield Merrimon. He came into the world at the home of his grandfather on the 15th of September, 1830. The old home was called "Cherryfields," and it was noted at that time and in that section for its great fertility and beauty. Inclosed by mountains on all sides upon whose summits seemed to gently rest the great blue dome above, the lovely valley appeared shut off from its surroundings and a portion distinct and separate from them.

In this peaceful spot, beauty in Nature's grandest forms meets the eye, and with such surroundings lived the woman whose character was shaped after God's beautiful plan for Christian womanhood, the one who was destined to mould into goodly form the impressionable character of her son. Her parents were William Paxton, brother of Judge Paxton, at one time Judge of the Superior Court of North Carolina, and Sarah Grace McDowell Paxton, a daughter of General Charles McDowell, who, as well as his brother, General Joseph McDowell, served with distinction in the Revolutionary War.

Mary Paxton, it is said, was a very beautiful girl. She had soft, silky brown hair, which her son inherited, and bright, sparkling eyes, which, with her *petite* figure, doubtless added charm to a personality that possessed above all other charms the fadeless lustre of soul-beauty, the grace of a meek and quiet spirit. In later years one who loved

her told his children, *her grandchildren*, of her affable manners and gentle nature, of the light tread of her little feet that one could scarcely hear at times as she walked across the floor, and of such qualities that seemed characteristic of her.

Of the ancestors of Branch H. Merrimon little is known. He was born in Dinwiddie county, Virginia, but the family afterwards moved to Tennessee. Branch was a gay and thoughtless youth, but there came a great change into his life when his youthful thoughtlessness was stopped by the great questions of eternity and the salvation of souls. He dedicated his life to the service of his Maker, and connected himself with the Holston Conference of the Methodist Episcopal Church, South. In the course of his ministrations in his circuit he met Mary Evelyn Paxton and married her.

Branch Merrimon, with his young wife, came to live at a place called Mills' River, where he began the business of merchandising and farming in addition to his regular duties as a minister of the Gospel. From this place the little family moved again to a farm on the old stage-road leading from Asheville to Hendersonville and beyond, and here the mind of the young Augustus began to be systematically trained under the guidance of a lady then living in the family, Miss Minerva Cunningham, afterwards Mrs. Tatum, a woman of piety and sound sense. She remained in my grandfather's household for some years, and it was under her direction that my father's education began, and at this place he passed his childhood days. He has told me of his games with his sister, one of his few playmates, when she would pretend to be an hotel-keeper and he the master of a drove of hogs, such as were seen on the old stage-roads in those days. He would come to

inquire of the would-be hotel-keeper if she could shelter a certain number of hogs for the night. The master of the imaginary animals, in later years, has told me of his peculiar cry for calling them—a desolate wail, as the remembrance sounds in my ears to-day. Some of the striking and unique names that he applied to himself and his playmate in their games are quite amusing; such as these: "Mr. and Mrs. Ramtinner," "Jimsneezer," "Bull-cooker."

How proud he was when his father bought him a new suit of blue cloth with brass buttons! He would count the buttons over on the waistcoat, touching them, one by one, the while: "One button, buttoned; two button, buttoned," repeating methodically, and so to the end. In this festive attire he accompanied my grandfather to town on a certain occasion, and while there witnessed a hanging, the first scene of the kind that the child had ever looked upon. Who can tell but that his youthful mind was even then impressed by the inexorable rigor, the stern justice of law?

It was not very long before the family moved again and, at this time, to a large and beautiful farm on Hooper's Creek, about fourteen miles from Asheville. Here it was that my father's character assumed the clearly defined features which were to be still more prominent in after life and where, even in boyhood, thoughts and feelings seem to have led him to fixedness of purpose and manly resolutions for the future. To this place his thoughts often reverted in after years in affectionate remembrance, and he has said that that valley, inclosed by its sentinel mountains, was the loveliest that his eyes had ever seen.

The house was an old-fashioned white one, crowning the top of a little eminence whose sides were green and beautiful "in the sweet summer-time, long ago." At the foot

of the slope, at some distance from the house, flowed the creek which turned the saw-mill still further away, and over the bank leaned the willows, the profusion of their drooping heads in contrast to the lofty mountain-tops. At such a place as this, with surroundings so well calculated to draw the boy's thoughts to high and ennobling views of the world, with Nature's broad domain before him, and with resources suitable for the beginning of an eminently practical education, he toiled on his father's farm. Driving the sturdy oxen with their wood loads, or on duty at the saw-mill, book in hand, the book of which he has so often spoken—Towne's Analysis—he was doing a double duty, developing himself mentally and physically. It is probable that he recognized the fact that the best educations are thoroughly practical and that the youthful mind more clearly comprehends and more certainly remembers theories of natural philosophy put into practice; that, indeed, a mind stuffed with theories and rules, but with no experimental knowledge, is like an engine beautiful as to mechanism but with no motive-power.

Augustus was the eldest of a large family which numbered seven sons and three daughters. Their father, though unable to give them the best educational advantages, earnestly desired that they might have every opportunity that he could offer them for improving themselves intellectually. He strove to make his children appreciate the value of opportunity and of storing their minds with the wisdom that perisheth not as well as with that which is of this world. The evening salutation often was, "Get your books, now, and go to reading." None but the All-seeing Eye knows with how much earnestness one of those young minds applied itself to labor that was destined to be crowned with merited achievement.

Had a better record been kept of his youthful triumphs over the trials of early school-days one might tell with more minute description of the speeches at the little school-house on the farm, taught by Mr. A. T. Livingston; or one might describe the young orator representing, perhaps, Patrick Henry or Mark Antony, from the sloping hill-sides addressing the woods before him instead of an impassioned mass of humanity.

He was fond of mathematics and history, and seemed to study his books with earnestness and avidity. His father never had any trouble with him, and the boy from early youth showed his strength and nobility of character; he never did a mean or wicked act in the remembrance of her who was one of his most constant companions in early life. Among the number of those early playmates was the son of his old negro nurse, Aunt Anis. Felix was the name of the little negro who was the leader and the life of many of the childish games. His mother had been given to Mary Paxton at her marriage, and proved herself faithful to her duty of helping rear the babies of the household. This old negro lived to a venerable age and died some years ago, her last days being brightened by the ministrations of the children for whom she had cared so tenderly in babyhood.

And thus Augustus Merrimon grew into manhood far from the false practices of city life, his mind plainly, soundly educated, his physical being well developed, and, above all, his soul nourished from imbibing the righteous characteristics of his father—righteous in the sense of mortal righteousness, inasmuch as there are none immaculate; no human life without its human frailties. He learned to labor—to believe it man's prerogative assigned him by his Creator—to labor intelligently and to believe it honest and

honorable. Many a time he has spoken of those early days when on the top of wood loads he drove the oxen, or, like Burns, guided the plow as the earth gave way before the advancing shaft. With the same old book in hand he carried these duties through oftentimes, and thus was preparing himself surely, steadily and laboriously for the positions of honor and trust which, in after years, the people accorded him. It seems that he toiled that each to-morrow might find him more advanced in the path of industrious achievement than to-day.

How often, when the boy had grown into the man, and the dark hair was silvered by the touch of age and care, and the noontide of life was merging into the peace of eventide—how often did his mind revert to those early days and to the rural scenes in which he spent his boyhood—to the spring at the foot of the hill-side, where the cool, clear water bubbled up, and at which he stooped to drink in boyish carelessness in the happy days of long ago. But of all the memories that clustered round that happy time only the angels could give us an accurate account of the dearest and tenderest—the memory of his mother—her to whom, it seems, he gave the wealth of his childish affection. He was her first-born—more of a companion to her than the others—and when she left him the sorrow of his heart was one that lay too deep for tears. That beloved face—the remembrance of her gentleness and virtues—the grave in the old garden near the house—who can measure the influence of these things on the susceptible character of him who had never before known so great a loss? Who can tell but that her spirit was the guardian angel of his life, continually beckoning him onward and upward to the haven of eternal rest? Such precious memories dwelt with him in manhood's years and clustered around

HIS BOYHOOD'S HOME.

A green, lovely valley, a clear flowing stream,
And mountains that lift up their verdure on high,—
A home close to Nature where boyhood might dream
Of the future with plans that all time would defy.

Home of his boyhood, belovèd and dear,
Where life had no burdens to seek or to shun;
Light-hearted but earnest, a day's work well o'er—
Was *this* all his purpose ere set of the sun?

Who knows but that there in communings with self
A purpose more broad than the day's work was made,—
No great greed for power, nor search after pelf,
But life's strong foundation most carefully laid.

Dear scenes of his youth! In memory they lived:
Holy thoughts of the loved and earth's lost may have been
But the whispers of angels drawing him still
To the Home free from parting and sorrow and sin.

*Among his old papers, written during the year 1850, the following reverie was found, and is copied here as an indication of the influence which his mother's memory exerted over the early efforts of her son:

REFLECTIONS AT MY MOTHER'S GRAVE.

It was night. The sun had gone down behind the western hills and the light of day still lingered faintly around the tops of the mountains. The full and beautiful moon was now rising in the distant east in matchless splendor, as I quickly stepped from my father's portico, where I had been musing for some time, to spend a few minutes at the grave of my sainted mother. It was not far distant, not more than a hundred yards, for she lay just above the garden. I stepped on more slowly than when I started, for I felt that I was now approaching a spot sacred and dear. Rendered sacred by the ashes of the pious and rendered dear to me because it is the last resting-place of my loved and revered mother. I was soon at the foot of the grave, and oh, what feelings of solemnity came over me!

*In copying my father's early compositions and in extracts from his diaries the originals have been followed very closely, as will be seen from many misspelled words, which show very plainly that the boy's thought was greater than his knowledge of correct expression.

I looked around, and how befitting were all things to my feelings! All was silent as the mansion,—the cold and dark mansion my dear mother occupied. Not even a sigh could be herd in the foliage that overspread the sacred spot. All Nature seemed to mourn, it seemed to sympathise with me, while I reflected on the loss I had sustained;—a loss, I mourn to say it, irreparable. As I stood there alone, unseen, except perhapse by her glorified spirit, (for I believe it still watches over me, at least the belief influences my actions), memory turned mournfully to the past. I was led to remember the pious lessons she had taught me; to remember the good morals she had instilled into my boyish mind. Yes, these recollections came up vividly before me, and I thought of the affectionate and maternal manner in which she did it. O, I could almost see her as she took my little hands within hers and learned me to lisp my prayers to my great Creator; as she would sit with me at her knees and tell me how to become great and good. If ever I make a great man it must be ascribed to her pious instruction. I recollected all the past, and it swelled the scene of the then present. I thought of the night on which she left this for a better world; I could fancy I saw her angelic face as she slept herself away into an eternity of unuterable, inconceivable bliss. Yes, she was smiling when dying, if dying it might be called, and even when ruthless death had done his work a calm and peaceful smile rested on her face. Oh, how angelic was her appearance, and how symbolic of her blessed company! Though her body was there, yet her soul was in heaven, freed from care and all pain. Though she looked thus beautiful, how awful, how indescribably awful were my feelings. I was conscious that I would soon see the form I had loved and revered no more forever; that my great counselor and instructor would never again commune with me. Yes, I was conscious that I had lost, irretrievably lost, the best gift of Heaven. All this come up vividly before me, and the night, the solemn stillness, seemed to chime in with my mournful solitude. I thought of that heavenly world where all is joy and happiness, and said in my heart, my mother is there! That was a joyous thought—a thought worth more than all the gems of earth. She was alone; no other person lay there with her, but she was not alone in Heaven; no, there are myriads there, and all join in anthems, loud anthems of praise to their great Creator and Redeemer. She is there with all the old prophets; she is with Wesly and Clark, with Whitfield and Chalmers; she is there with Coke and Asbury and millions more. It was a solemn night to me. As I turned to go away I thought that I, too, would one day lie down in the loansome, silent grave, that the silver moon would shine loansomely and sadly around my last resting-place, as it then did my mother's.

And thus was the youth of Augustus Merrimon spent, in large measure, under the clear sky with Nature's great arms encircling him, drawing him, who may not say, to deep and earnest thoughts of life and its Divine source. Physically and mentally increasing in power, adding to his growing fund of information as well as fulfilling faithfully the duties at home and on the farm, earnest and industrious, he grew into manhood, building up a character at once strong and admirable. He was eager to learn, anxious to gain a broader field for zealous endeavor, and, having already mastered the lessons taught at the old school-house on the farm, it seems that he grasped with avidity the opportunity of attending Mr. James Norwood's school at Asheville, where he advanced rapidly; and so marked was his progress that his teacher gave him a written expression of approbation, stating that he was the most proficient of his pupils in the English course.

The following selections from his diary, written about this time, give us glimpses of the boy's own thoughts and feelings at this stage of his career:

A. S. MERRIMON'S DIARY

OF HIS STUDIES, AND OTHER CIRCUMSTANCES CONNECTED THEREWITH, AND ALSO OTHER GENERAL INCIDENTS.

ASHEVILLE MALE ACADEMY,
January 16, 1850.

"*Labor Omnia Vincit.*"

Wednesday, Jan. 16.—To-day I enter upon the important duty of the study of Philosophy, and by the aid of Providence I intend to do honor to myself and my Teacher. I recited my first lesson in Natural Philosophy this evening, in connection with my esteemed classmate, ——; and I am fully assured that we both thoroughly understood the subjects on which we were examined. The subjects were general definitions.

Jan. 17.—I arose at 2 o'clock A. M. and read some Rules for acquiring knowledge which I approved very much, and doubt not that by paying

attention to them that I will be greatly benefitted by them. Indeed, Mr. Watts seems to be an author who well understands the method of communicating instruction as well as receiving it.

My second task was to get a lesson in Stewart's Elements on the Mind. I am very safe in saying that I never was more interested in reading and studying any lesson before. It gave me more knowledge of the mind and the manner of discussing that subject than anything of the kind that I ever read before. I am well aware that my time was not lost, and I have the gratification to say that the lesson was of much benefit to me.

Thirdly, I employed from ¾ past 10 untill twelve in Arithmetic. This exercise consisted merely in reviewing rules of fractions.

At 12 M. ate dinner; returned to School and at half past 1 P. M. I recited a lesson in Rhetoric. The lesson was on the Sublime in writing, and, as one would imagine, was one of no ordinary interest, setting forth at every step the manner of carrying on a subject of the Sublime kind. After reciting this lesson I spent the remainder of the evening in Arithmetic. Returned from school, took some exercise by making my fire, then indulged in social conversation with —— for some minutes. I am at present (8 o'clock) writing and will at ten retire to rest with the gratifying thought of spending the day profitably.

Friday, Jan. 18.—Recited one lesson in Stewart this morning of much importance. He shows in this chapter the utility of the study of the Humane Mind. The outlines of the argument are the following: First, he shows the influence of one science over another; then shows that it is the science which is derived from no other, and that all others emanate in a degree from it, showing at every step its great importance to a proper understanding of other Sciences. After this recitation I recited a lesson in Natural Philosophy on Attraction, the different kinds of Attraction, their influence, &c. This Science is one of deep interest, and for which I have a peculiar likeing. The subject is one of great importance to those who make observations on natural things.

Saturday, Jan. 19.—Rose at 6 o'clock A. M. and read a chapter in Watts' works on the Mind, which I found to be very interesting. It had for its object the improvement of the mind by observation. He shows very clearly that one may improve his mind in every place and in all conditions. If we rightly appreciate his rules, I doubt not that we will do much for our own benefit, as well as for others. Then I reviewed the lesson which I recited on yesterday in Stewart's Elements on the Mind. After this I happened to fall in company with my highly esteemed friend, ——. We walked some distance for exercise, in the meantime carrying on a conversation which concerned us more than others.

This evening I have devoted myself to reading Rollins' Ancient History. I am reading it with much care, and takeing notes.

Sunday, Jan, 20.—Rose this morning at 6 and read a chapter in the Bible, then one in Watts, in which I was much delighted. I cannot fail to make a remark which I have made before; that this book is all that it professes to be and a little more. After reading this chapter I read some history, taking notes at the same time. I am fully convinced of the necesity of takeing notes. It not only strengthens the memory, but improves in a high degree one's language and mode of writing. I read two more chapters at 10 A. M., then read a part of the history of Egypt. This history does not fail, as one would expect, to interest the reader. Indeed the ancient Egyptians seem to be a people of extraordinary genius.

Monday, Jan. 21.—I got up at 3 A. M. and read two chapters in the Bible, then got my lesson in Stewart and read a chapter in Watts. After breakfast I went to the recitation room and recited my lesson at ¼ past ten. My lesson was to show the necesity of the study of the humane constitution in order to guard against partial impressions which are made during youth and infancy. After this recitation I spent some time in Rhetoric. This lesson was well digested. It was on beauty as one of the pleasures of taste. I then spent the remainder of the evening in sums, in relations of numbers.

Tuesday, Jan. 22.—I arrose this morning at 4 and read a chapter in the Bible; then commensed my Stewart lesson upon the following subject, viz.: To show the necesity of a system of Logic, and to show the necesity of a knowledge of the humane constitution in order to lay down a system of this kind. I recited, as is usual, at ¼ past ten A. M. I then commenced my lesson in Natural Philosophy, which embraced some of the particular propities of bodies. This study comes very natural to me, and I cannot account for it on no other principle than the following: That I have a peculiar taste for such speculations. I am to get my lesson in Stewart to-night, and also read a chapter in Watts. Nothing but constant application will make a man. I pray God to aid me in making one out of myself. I know that success awaits the persevering. I will try. I know I can; I will do something for my own improvement. Fame awaits no particular one; she is always ready to embrace perseverance in any person, and she never fails to give him that which fully pays him for all toil and self-denial. "*Labor Omnia Vincit.*" Time flies, O how swiftly. Improve the present for it is all you have; look not at the past, it is ful of sorrows; the future is not yours, and always be careful to know your own interest. Defer nothing for the morrow which should be done to-day.

Wednesday, 23.—Once more hath the earth completed her daily revolution, and once more I find myself engaged in recording my acts of the

hours which have just past. I arrose this morning at 5 o'clock and read a chapter in the Bible, then one in Watts, then commensed my Philosophy lesson, which was upon the subject of the theories of philosophers on the subject of Perception.

I find in the study of Philosophy that much study is required, and that without close application one will make poor progress. These studies are of vast importance, too, not only as a study for the purpose of acquireing a knowledge of the phenomena of the world, but also for the improvement in reasoning. To-night I reviewed my lesson in Stewart, and also looked carefully over another. I then read some in Watts, and closed the labors of the day by ciphering. The rules of Percentage were those on which I performed. I now lie down to take the necessary rest; may I rest securely and rise in the morning to again prosecute my studies, O God!

Sunday, Jan. 27.—I arose this morning and after some necessary business I commensed the reading of the Ancient History of Egypt and Carthage. This indeed is wonderful. In some places we are filled with indignation; in others we are pleased with the great magnanimity which they possessed. Surely all things related with thos people are not so; indeed, some thing are impossible, much less performed.

I spent the rest of the day in reading Moral Philosophy and social conversation with some friends. One who has more time to spend than is necessary might spend it after the following mauer profitably: If you have no friend with whom to converse, apply yourself to some useful book; if you have no book present observe what is near you—consider what it is, how you obtain knowledge from it, for what purpose it was made, by whom it was made; and if you have a friend with you talk to him concerning these things; attempt to explain, as far as possible, how and why you concider the objects from which you acquire knowledge.

Much time is lost by persons who might improve themselves greatly. How many do we see trifling away the precious hours of youth in follish talk, without improveing their minds in the least degree, nay, without even [knowing?] how they learn to talk and eat or do anything else. Improve the present, the future is unknown.

Monday, Jan. 28.—After five this morning I commensed the incumbent duties of the ensueing week. My first lesson for consideration is Stewart's remarks on the manner of acquireing knowledge. I hope to be prosperous during the ensueing week, feeling that I am under great necesity of improvement. This study (Stewart on the Mind) is one of no ordinary interest to one who has a desire for, or who has a mind adapted to such studies. The language is plain, and his style is generally of a pure, unbroken nature. Such works are not only calculated to give one the information which they profess, but also a style which the reading of many inferior would fail to do.

In the evening I recited in Natural Philosophy, which never fails to interest me in such a degree that by looking [over] the lesson a time or two I get it. One may always find something to do. I never knew the hour yet that had nothing for men to do. Experience teaches that I never will. If I spend my time profitably I will no doubt reap the reward promised.

I would like very much to acquire a knowledge of Algebra and Geometry; however I will have to do without these great improvements. This world seems to be full of knowledge, and I suppose the world to come will have much more; if so, I hope to be one who will enjoy a large share of it. Perseverence is necessary to a good education; this I have found by experience and know too, that without it the greatest genius cannot arrive at eminence.

I am fully aware of the fact that one may devote his time so as to enable him to gain much general information on various subjects. I now spend a sufficiency of time to my studies, and also have some two hours every day to spend in general research. I am fully aware, too, that devoting some time to other books that my mind will be better prepared to relish my daily studies. The mind should never be too much engrossed with one or two subjects, lest it grow dull and feeble very early. One should pay much attention to his intellectual powers, since by these he must rise or fall.

Saturday, Feb. 2.—[After remarks on the day's occupation.] I know the necesity of constant application in order to become perfect in anything. Much labor is required to make a perfect mechanic, much to make a good merchant, much to make a good lawyer in that nothing can be accomplished without great labor and close application. If then all these are requisite, why put off the time of commensement so long? If we commense now, we will only become the wiser and reap more of the paltry which this world can give. It will fit us too for the world to come. Yes, to enjoy more of the pleasures of the invisible I Am. All these, nay more, bid us improve each moment as it passes by. Then let us press on toward the prize and never be contented untill it is won. We ought to consider that what we gain now is not to be gained one day and lost the next, but it is to give us standing among our fellow-men, and is to prepare us for more enjoyment of the heavenly world, should we be so happy as to get there.

Sunday, Feb. 3.—Much improvement may be made by reading good books though they are not strictly scientifical; indeed without them, I am persuaded that we will not render scientific books profitable. One should not be cramped up by scientific studies and not read others which are allmost of equal interest.

Tuesday, Feb. 5.—I was ready for business this morning at 6. I recited in Stewart, as usual before dinner, and in Nat. Philosophy after. Both of these lessons were interesting. I also read some other books this morning. This I think to be of much importance. It not only gives one good language; but it proves very serviceable in acquireing a general stock of knowledge. A general knowledge of things is necessary. One cannot study every thing seperately. He must therefore find out much by the reading of misselaneous books, which have to a great or less degree something of these various studies connected with them.

Nothing is calculated to make a more ready man than reading. Much reading though, without digestion is worse, if possible, than none, as we gain such a slight knowledge of things that we are led into dangerous mistakes frequently. Therefore one should read much and digest well all he reads. If he reads but little and digests well, it will be of much importance to him.

Wednesday, Feb. 6.—I was up and dressed by ½ after 6 this morning, after having taken about 5 hours sleep. I prepared my lessons and recited as usual. Both were interesting. To-night I have spent some time in conversation with ——; I have also been prepareing some remarks which I expect to deliver on the Mexican War. This is a subject of general dispute, and it is not even supposed that the question will be decided with much acquracy, owing to the very desultory arguments that will doubtless be made. Much may be said; indeed, one may talk all night and then remain where he left off. It is a dispute which has received much attention by all the great men of the Nation.

Thursday, Feb. 7.—This morning called to my memory the sad scene of this day was a year ago. I shall never again pass over another so sad a day as it was, for that day my dear mother left this world for a better. She now sings the Allelujahs of Angels, and will throughout eternity. May I meet her there.

Saturday, Feb. 9.—I arose this morning at ½ past five and commensed imediately the business of the day. I in the first place read some of description of Cicero, given by Dr. Olin. I then visited the Clerk's Office, at which place I found my frieud ——. From him I procured a set of Dr. Brown's Philosophy on the Mind, which I intend reading in conexion with Stewart; I also read Upham. I hope from the three that I will be able to get a good knowledge of the human mind. I spent some time in conversation to day with Mr. N. W. Woodfin on the subject of Education.

In the evening I wrote some compositions, not for the purpose of exhibiting them, but only to improve my style of writing. This is, no doubt the best plan on which one can fall to improve his style and language. While there is hope none ever linger; when, however, this mortal cheerer vanishes the last gleam of life will soon be extinct. It supports all men;

the savage as well as the Christian. In a word, it is the balm of life. Few men, indeed none, ever live without it. He would know the certainty of things at an hour when he was not prepared for it. Hope is the anticipation of some good, it therefore gives one time to reflect if he should be foiled in his wish.

Sunday, Feb. 10.—I arose this morning at the usual hour, and after some necessary transactions, I commensed the business of the day. I spent some time in reading Watts on the mind, some time in Ollin's travels, some in Rollins' History. All these are very interesting, but not near so much as another work I read this evening on the immortality of the Soul. This was very interesting not only as a literary disquisition, but also as establishing the reality of the immortality of the Soul. The soul will, beyond doubt, live after this lump of clay dissolves. Yes, beyond the flaming skies. Nothing should give more pleasure than the thought of living in a world to come. Life is what all love; what all continually grasp after. Ease, too, is what they desire in connexion with life. We understand by Revelation that those who live as they should here will be admitted into Heaven, at which place joys forever dwell. If, however, he transgresses a law prescribed by the Deity he must forever sink into a pit of never-ending pain. These thoughts are sufficient to engage the attention of all; but we find thousands who would rather spend what time they have for probation in uselessness than to attempt to seek the happiness in store for them by their persevereuce.

Tuesday, Feb. 12.—I spent some time reading Rollins' History. This is a very interesting work, and, indeed, the history of the ancients is always interesting. It gives the description of all the avaricious men of the ancient world, and also the manner in which they gained their power. From this history, too, we learn many good laws, and we learn at the same time error of many, and thereby we are prepared to shun them. I recited as usual. To-night I have spent some time in reading Watts, Brown and Ollin. These are all interesting Books. I hope to receive a large fund of information from them. My present course is one which I think will prove beneficial to me if properly attended to. I do not intend to fail to give due attention. I intend to make use of every power in my reach to improve.

Saturday, Feb. 16.—I spent this day in the following manner, viz.: I first read some in Rollins' History of the Assyrians, then wrote to my Father, then read some of Ollin's Travels, then finished my composition, then read history and Travels again. In short, I spent the day in reading and meditation. All these things are necessary for the accomplishment of one, nay more, for men frequently live long lives and spend them at Science, then fall far short of perfection. Man must be considered as an imperfect being within himself. No one knows all things; no one

will know all things. It was not intended by the Deity that man should, for if he did no doubt he would soon get above himself as one man gets above another in point of property or respect. We should endeavor, though, as far as possible, to acquire a good knowledge of every improveing every good thing that comes before us.

Sunday, Feb. 17.—This morning I commensed the business of the day very early by reading History and Travels. In the day I read considerably in the Bible, wrote my composition, and spent some time in composition as well as conversation. All these acquirements are very beneficial. They all tend to improve the mind and prepare it for the walks of manly life.

Tuesday, Feb. 19.—This evening I read my composition on the Influence of Anger. After the close of the school I spent some time in reading Porter's Analysis.

How vain are the attempts of man to gain knowledge without much study and self-denial. If one would be wise he must [not] cease at difficulties. His overcoming one will actuate him to mount that which follows. Many for a want of perseverance have died in obscurity. Many who had good advantages, through indolence have suffered themselves to be overcome by trifliug circumstances, and thereby laid themselves liable to the ceusure of mankind. Perseverance alone can place a man above the vulgar. All who have ambition therefore should yield to many sacrifices in order to carry out auy ennobling principle which he may espouse.

Saturday, Feb. 23.—Owing to some domestic disadvantage, I did not rise this morning untill daylight. After I rose I commensed the business of the day by reading a chapter in Rollins' History, then one in Ollin's Travels.

I took a small fowling hunt walk with my esteemed friend, ——. After walking euough to take good exercise we retnrned. We indulged freely in conversatiou during our walk. Sometimes speaking of literary subjects, then of domestic happiness. It was quite an interesting and I hope a profitable walk.

This evening, a little before sun down, myself and —— took a walk in the direction of my home. As I approached in sight of the mountains which I could see from home, pleasurable feelings passed through my mind. Home is the happiest place for any one. One may become addicted to being from home, and not care about returning imediately, but there still exists some thoughts of childhood in the mind though it is approaching manhood. There is something that endears the place where near and dear relatives live and sleep; one of whom, too, sleeps in the dust.

Sunday, Feb. 24.—To-day's reading has been so desultory that I cannot note it with much regularity. I have read extensively in the Bible, in Rollins' History, Ollin's Travels, Porter's Analysis, and various other

books. From them all I have received much instruction. The Bible I read most. I read a considerable part of the Revelation. This [is] truly a beautiful picture; indeed, it in many places amounts to sublimity. How great the difference between a common composition of the present day, and that of the Bible. It was much greater in the days of those men who wrote it. This seems to be a strong proof of the authenticity of the Scriptures. If those men had had the advantages of which we are now possessed, what kind of works would the sacred word have been? It seems as if there is something superhuman about them. So, simple and yet so powerful. Who will dispute their beauty?

It seems a little awkward to turn from the word of God to man. It looks a little preposterous. There is such an immense difference. The History, however, that I read is one of superior worth. It instructs me in the maners, customs, Laws and actions of the ancients. It gives great lessons of morality and virtue. The style of the author, the subjects are all calculated to impress us with the deep necesity of adopting some things and rejecting others. The history of Cyrus never fails to infuse the mind with qualities of the most sublime character. That great man seemed to be the embodiment of all the graces and accomplishments of his day. Cambyses is nearly the extreme on the other hand, few men possessed a more rash and obstinate temper than he.

Books of Travel, too, are of unquestionable worth. They give us the minute description of the old countries; the various situations, and the many architectural wonders. They enable us to explain more fully all the fabulons history of the ancients. All persons should, as far as possible, acquire a general knowledge of all good and well written books. Of good books, as they will store their mind with that which few possess, true knowledge; of well written, as they will enable them to improve their own style. Indeed without this general knowledge, we could not make so great a display in oratory and composition as we do. This is perhapse one reason why the ancients did not effect more than they did in a short time. One may learn something from everything. The little pebbles of sand under his feet may teach him a lesson of which perhapse he never thought of before.

Thursday, Feb. 28.—To-day has been dark and gloomy. To-night we had a gust of wind and rain. The beautiful pale moon is now shining and reminds me of the softness of gone-by days. These words strike deeply on my ear. A precious Mother, who a little more than a year ago doated on me, now lies silent in the tomb. The moon passes along and she lies in august composure. Her imortal [soul] has put on incorruption. My heart is full while I write. I often think of her and am allmost forced to weep. But she is gone; yes, gone to dwell with Angels and God. May I live the life she did and be prepared to lie solemly and

seriously and composedly while the beautiful moon passes on in her regular course. This is the last night of the second month in the year 1850. Shall I have another lost friend before another February rolls round, or shall I be lost to kind friends? The Deity only knows. O God, save me, my friends and the world.

Saturday, March 2.—The extra court for this county adjourned to-day at 12 M. I understand that Judge —— has dispatched business with his usual speed, and that many cases, of importance, have been tried. Judge —— is really a fine-looking gentleman. He seems to be very affable. Such men are calculated to do much good for themselves and the public. Several lawyers have been in attendance this week.

Monday, March 4.—To-night, according to the recommendations of Prof. N., I have taken up Thompson's Seasons. This is a beautiful little Poem—one which I hope is calculated to elevate my ideas of nature. To-night I have been reading some in Ollin's Travels. The chapter this evening has been one of rather more than ordinary interest. It gives a description of Mount Sinai and the mountains and valleys near to it. Truly this is an awfully sublime place. Dr. O. speaks in high terms of its sublimity now, and what must it have been when the Great Jehovah was there! Surely more terrible than all earth clashed together!

Our Town is quite silent to what it was last week. The court is over and the countrymen have returned to their domestic habitations. The beautiful spring has dawned on us once more; since this time last year how many millions have changed this life for eternity? A solemn silence prevails. No one dares to answer the question. And ere another such season shall appear we may, like others, be sleeping in the cold and lonely grave. God save us and the world, for in Thy hands are the issues of life and death.

Tuesday, March 12.—To-night I received my new Stewart's Philosophy on the Human Mind. It is a beautiful Book, and I hope it will be of great benefit to me in future. I find I will have to desist from my general reading, owing to the requisite time I must spend in reading Studies. I dislike this very much, but I must prepare for the ensuing examination. This is perhapse the last session I will go to school, and I wish to make good use of my time. Time is precious; it is short with us and we should therefore make a proper and profitable use of it. One may be constantly employed and not improve a great deal. This [is] owing to a want of method and regularity. One should endeavor not only to read and think a heap, but digest all he reads and thinks. A great fault now prevalent is owing to this. Many who consider themselves advanced are mere pests to society and do much more harm to mankind than good. It is indeed seldom that we find a man who knows

fully his duty, and even when we find one who knows it, he does rarely perform it.

Wednesday, March 13.—To-night I have spent the principle part of my time in reviewing Stewart. "Review and repetition," says Lock, "are necessary to the good understanding of a Book." I will now look over my lesson for to-morrow, and get a Grammer Lesson and retire to rest. Rest is quite necessary to the intellect as well as the body. Sad experience has taught us to know that too great exertions of the Mind are injurious. If one keeps his intellectual powers constantly engaged, no doubt he will reap the bitter consequences when it is too late to remedy them. Thousands of cases attest this fact. Men who are constantly phisically engaged are greatly wrought upon by fatigue in their declining years, unless this employment has been of a very moderate kind, indeed then relaxation is necessary. We find by experience that the mind is the same way. Men who do little else than study, become feeble not only in mind but in body also. I find though that in the majority of cases men are disposed to give their minds too much rest; many times we see them neglect what is really necessary in this manner. Both extremes should be guarded against.

Friday, March 15.—I have spent some time to-night in reading Stewart. I also fortunately laid my hand on a little book which gave a history of some of the remarkable artists of the world. Hiram Powers was the character of which I read. He seems to have been at one time a boy in very indigent circumstances, but as genius usually does, he outstripped all opposition and attained a high distinction.

Saturday, March 16.—I found myself prepared for business at the usual hour. I commensed by reading from Stewart on review. This is beyond doubt one of the most interesting works I ever read or studied. It strengthens my reasoning powers, gives me a knowledge of the Human Mind and greatly improves my language and expression. There are few books that we will find, which have all these combined. So few, that perhapse no man has found a book of more real soundness, than Stewart One may be disposed to think it is owing wholy to my present connection with it, but I pay particular attention to it in ev[e]ry respect, and at the same time read other books of the same kind on the same subject.

Sunday, March 17.—I prepared for the business of to-day at the usual hour. I read some in the Bible, some in Stewart, some in history and some in Porter's Analysis, as well as Thompson's Seasons. At 11 A. M. I went to Church and he[a]rd the Rev. W. Kerr preach a good sermon. After returning from church, I spent some time in conversation with various young gentlemen. At night I went to Church in company with my friend W. R. Welch. We listened with great pleasure at another sermon from

the same minister that preached this morning. He seemed to preach, if any difference, with more energy than in the morning.

Tuesday, March 19.—Tonight is pleasant. The new moon shines brightly, the sky is clear and all nature harmony. We should make ourselves contented with our present condition, knowing that we must in a few years, at farthes[t] desert the s[c]enes we now behold.

Thursday, March 21.—Last night I retired before the usual hour with the expectation of being at business this morning sooner than usual. Snre enough I found myself erect and stretching abo[u]t 5 o'clock, but to my chagrin I found my fire utterly extinguished. I think that I will study better by going to bed at 10, and rising at five; this will leave 7 hours for sleep and is as much as nature requires. I have been accustomed to sit up very late; but I find that such is not the best plan.

Friday, March 22.—This being the evening for debate at the Academy I did not attend to my usual night studies.

I find that disputation is quite interesting and improving. It prepares one for self possession in speaking in public. Many men have take[n] a rise in debating societys that raised them to considerable eminence. Upon the whole we mus[t] consider them very useful.

Thursday, March 28.—Owing to the uncommon inclemency of the weather, and having no wood with which to make a fire hastely, I lay in bed until daylight came. This is what I very much dislike to do. Punctuality I have adopted as one of my characteristics, and I think it to be one of superior worth. After making a fire and washing I commensed the duties that I last night laid off to do. I got my Stewart lesson and recited at the usnal hour. In the afternoon I wrought in figures. After returning from school I prepared fuel for tonight and in the morning which gave me good exercise. I then read some in Thompson, some in Todd and spent a few moments in meditation before supper. After supper I commensed reviewing.

Thursday, April 4.—Commensed the business of the day at daylight. After washing, shaving and dressing I commensed getting my Stewart lesson.

After school in compliance with Prof. Norwood, I accompanied him to his residence, with some other young gentlemen, and took tea. We had quite a pleasant time. I returned imediately after tea and resumed the business that lay before me.

Saturday, April 13.—I arose this morning some time after daylight and read my last lesson in Todd's Students' Manual. I have now finished reading this little Vol. and must say that it has afforded me much that is new and interesting. I, after breakfast, attended court for about two hours. The Judge ordered the prisoner, who had been guilty of an awful crime, to the bar. After Sheriff of the County brought him for-

ward the judge with some very feeling introductory remarks, exhorted the prisoner to put his trust in his Heavenly father; he then pronounced sentence of death upon him, and said "May God have mercy on you." The dignified old man was brought to tears. He could not speak without stamering, he was so full. All present seemed to feel the solemness of the scene. After viewing the scene, I returned to my room and got some of my review lessons.

Saturday, April 20.—I have spent the day in conversation and reading. I have read extensively in the Writings of Lord Bacon. I find them to be of much importance. I hope to have it in my power to read them. The Books contain matter that evry person should know. Those who attempt to acquire anything like a general stock of knowledge will find no book better calculated for their improvement than the one of which I am now writing. I this evening commensed my speech by laying down the subject. I hope to be able to do it justice, though it is one of vast magnitude. I rely entirely on my own speculations for success as I have not been so fortunate as to acquire any disquisition directly connected with the subject.

Sunday, April 21.—I have red in various books today, mostly in the Bible. I went to Church at 11 A. M. and herd the Rev. Wm. Kerr preach a very good sermon. I spent some time this evening in company with ——. He came and supped with me, and went with me to church tonight, where I herd a good sermon from the same minister that preached this morning.

Friday, April 26.—After dinner I returned to school and asked permission to go home. My kind Teacher granted my request and I returned to my room. After preparing I started towards home. I arrived at home a little before sundown and was greeted by my dear father Brothers and Sisters.

Saturday, 27.—This morning I rose at an early hour and prepared to spend the day pleasurably. I first went with my father and some hands to the farm on the road and there enjoyed the pleasure of seeing them ditch for some time. A friend who was present invited me to go with him into the woods for the purpose of killing squirrels. He furnished me with a fowling piece and off we went. Unfortunately we failed to bring anything within our grasp. I returned and spent the rest of the day in company with my father and family. We conversed much and pleasantly. I did not forget to read considerably. I sat up very late.

Sunday, 28.—Today I spent with my friends until 12 M. At this time I was under the neeessity of starting to the place at which I now am.

Wednesday, May 1.—After school I came to my room and commensed my speech for the examination and close of the session. I hope by divine assistance to make a good speech.

The speech above referred to is, I presume, the one inserted below, and from its diction and sentiments it will be seen that he had earnestly applied himself to his books, and had endeavored to profit by such opportunities for intellectual advancement as were afforded him.

The first public speech I ever delivered or wrote.

Speech to be delivered at the close of the Spring and summer session of Asheville Male Academy, ending June 14th, 1850.

SUBJECT:

PROGRESS OF THE HUMAN MIND.

Respected Audience:—Aspiring to perfection the mind of man is ever progressive. It had its origin in the Deity and its irradiating influence is felt throughout the world. Trained in the school of science and conscious of its own superiority, it disdains to rest in obscurity. Surrounded by the mysterious mazes of nature, it combines all its invincible energies to contemplate and decipher them in all their original splendor. Destined by its divine Creator to high and undying enjoyments, it is ever its province to solve the mystic problems of the instructive past; to muse upon the decaying interests of the passing present, and to look forward with philosophic eye into the eventful future. To know what has been, what is, and what is to be, is to possess one of the grandest attributes of perfection, and the onward march of mind during the lapse of six thousand years, sufficiently evinces to us that this is its prominent desire. Though in the wise organization of nature mind is endowed with this ambitious property, yet, omnescience is placed beyond its matchless grasp, and as present associations pass away new ones present themselves for our consideration. Doubtless the ancient Philospher, as he sat musing over his splendid achievments, thought to himself that the exalting title of perfection was to crown his own laureled brow; but behold how gloriously deceived! Look for a moment at what has been accomplished since he went down to the silent shades of oblivion. Minerva is now majestically seated on the throne of wisdom and the muses worship at her sacred shrine. The world looks with amazement at the unparalleled progress of the Arts and Sciences, and the happy influence of the revolutions of the great moral and political empire of man. Ignorance and error are dethroned and intelligence and freedom now occupy their places,—shining forth with all the effulgence of the noonday sun. How vast the change!

how sublimely progressive the Mind! Though such grand results have marked its career, we are now only prepared to see dimly through the shadowy vista of the great future the inexhaustible sources of discovery and speculation. In the improvment of mind consists the happiness of man; for his very existance depends on it. To understand his physical organization and immortal nature, his domestic relations and civil associations, his past history and future fortunes, requires the exertion of his noblest and most divine powers. Strike from existence the attribute of mind and you destroy that boasted resemblance between man and his great Creator, you destroy all that is great and noble; you destroy a gem that attracts the attention of two worlds.

After all these considerations, what more appropriate theme could engage your attention than the progress of the Human Mind:—a subject that reaches back to the beginning of time and which extends through all futurity. Divert from your attention the pleasing engagments of the present and permit yourselves to be transported on the swift wings of thought into the desolate regions of the past, and there ruminate amid the windings of that mighty labyrinth of knowledge, whose basis is founded in reason, and whose glittering pinnacle rises above the comprehension of man.

Let us pass in respectful silence that long period of man's existance after his banishment from Paradise until he characterized himself as the master of the world, by laying the foundation of Government, of the Arts and Sciences and Literature. Though we pass this period unnoticed, let us remember that much was done during that time towards rearing the mighty fabric, which we are about to consider: let us remember that then it was the mind received that impress that characterizes now, which ever has and ever will;—a love of knowledge and freedom. Then come down to that glorious era in the history of the world when man first conceived the idea of transmitting to posterity his name, emblazoned with all the grandeure and importance of his noble achievments; when he, becoming werried with gazing unintelligibly on the amazing wonders of the material world, beheld the necessity of intellectual improvement, and for the first time made a transmission of his knowledge, by inscribing it on the walls of the eternal Pyramids of Egypt; which themselves teach a lesson not yet learned by man. Concentrate evry power of your fancy, and with an air of solemnity, fix them for a moment on ancient Egypt, "the land of Science and sacred recollections." In that land, rendered sacred by the undying and ever beneficial achievments of its illustrious inhabitants, the original architect of human happiness and grandure, laid the corner stone of that majestic Temple of Wisdom, that is allready reared to a height that is seen from the uttermost parts of the world and which is destined to rise higher and higher, and shine brighter and brighter as end-

less ages roll away. The knowledge which that Nation possessed of the Arts and Sciences, Literature, Painting, Sculpture and Architecture will ever be held in holy remembrance by the Moralist and Philanthropist. They point to it as the beginning of intellectual history and with admiration, trace from it, amid the mighty revolutions of devouring time, the present high and unexampled state of human perfection. She chose to write her history on stone and there it stands, braving the corroding tooth of time and there it will stand forever. Her stupendous pyramids, the repositories of her dead, her towering oblisks and magnificent temples will cease to exist only with time, as living monuments of the greatness and grandeure of their ambitious authors. But notwithstanding all merited greatness, she suffered the delusive phantom of imaginary perfection to pervade her divinely favored domain, and transform into the devotees of Bacchus those who before kneeled at the shrine of Minerva. And alas for Egypt! alas for the world, her luxury and dissipation, the high road to ruin, introduced among her proud inhabitants direful discord, the inseperable concomitant of war and intellectual desolation. Bloody Mars, the stern avenger of insulted genius, laid hold of her boasted powers;—struck the deadly blow and she was learned egypt no more. Fortunately for mankind intellectnal improvment, like an ever-flowing stream, is onward in its march, and though at times it moves at an imperceptible pace, yet, at others it breaks forth with all the grandure of a fount gushing from the earth, or the sublimity of the bursting forth of volcanic fires in all their spontaneous and original force. Though the intellectual fire that began to burn with such glowing luster on the Egyptian altars had gone out, it was allready rekindling in another nation to burn with redonbled [brilliancy?] and illume, not only its own proud clime, but the wide extent of a benighted world. Greece, noble Greece, the land of the Poet and the home of the Philosopher had already caught the endless strain, and as the bright star of Egyptian glory was about to set in the gloom of an eternal night, she sang a mournful requiem to its untimely departure. Animated by the unparalleled example of intellectual improvement placed before her, she combined all the unconquerable energies of her mighty genius to imitate it. And how well did she accomplish this enuobling design? Go seek an answer amid the desolate shades of her classic halls, and a hollow murmur breaks forth, from within their silent recesses, be thou the umpire of our departed greatness;—then turn with solemn and pleasant emotion to behold the millions of libraries that now deck the shining walls of the literary world, and ask the question, whence came this world of learning? From all sides you hear the long and loud response, Greece learned Greece is the high source from whence it originated. No where else in all the bright realms of ancient learning do we find such a concentration of genius to unfold the hidden beauties of

creation and reduce to elegance and refinement the degraded state of fallen man. When she had rivaled the grandure of Egypt and beheld herself the literary mistress of the world, new incentives presented themselves to her enchanted view, and she, ever ambitious of distinction and her own happiness, persued them with redoubled vigor until she won for herself a reputation that will live until the wheels of time shall cease to move. But, though Greece had arrived at such a high degree of eminence, and had given the mind an impulse that astonished the world, she was not alone in the preeminent struggle for intellectual improvment. Though she was predominant, yet proud Rome, "the imperial city of the Cesars," had seen and felt its irradiating influence; had listened with jealous emotion at the unbounded sway of its distinguished votaries, and had begun the pleasing task that lends new aid at every step and leads us on to the summit of desired glory. She did not rival the majestic greatness of Greece in literature and learning, yet she characterized herself with her as the most superb nation of antiquity, and whenever we contemplate the history of the one we are insensibly led to consider that of the other. Who can conceive how far these nations have had influence in establishing the moral and literary character of mankind at the present time? Where is he, having before him the history of our literary institutions that will not say their productions form an important part in a liberal education; nay, that will not say we derive from them much of our domestic and political knowledge? In them we behold the originality of untutored mind, and we contemplate them with higher admiration, as they are but the beginning of a stream that is grown into a mighty ocean; that is destined to cover the world with its balmy waters. The works of the immortal Cicero, Horace and Virgil, and their illustrious contemporaries will cease to be admired by all lovers of original genius, only when this mighty universe shall vacate infinity and the aspiring mind return to its eternal source. Although mind had braved all opposition that tended to impede its onward march, although like the proud Eagle of the majestic Alps, she had soared beyond the vision of ordinary mortals she was to encounter that enemy, which but for the unseen influence of a few solitary votaries, would have sunk her in that night on which no lovely day ever dawns.

The downfal of the Roman Empire, the military mistress of every nation, was the direful harbinger of that long period of physical and intellectual commotion that marks the history of the world. The portentous clouds of red ruin were seen hastening from the north to the south of Europe, where they were to dispel their firy fury and lay in desolation the once blissful abodes of Orpheus and the Muses. Sanguin Mars, with his barbarous hosts, made the golden temple of learning the awful seat of war, and drenched the halls of science with the noble blood of their royal

inmates. For the long space of a thousand years intellectual darkness pervaded the world. The glowing fires that blazed on the altars of Greece and Rome had ceased to burn. The Poets, Orators, and Philosophers were hushed in death and their bones were bleaching on the soil where they once taught. No light cheered the drooping head of science, except the occasional appearance of some giant genius, that, like the passing comet shined the brighter because of the surrounding darkness, and soon faded from the excited view to be seen no more. All bespoke ruin and in the language of the immortal Milton:

> Earth felt the wound: and nature from her seat
> Sighing through all her works, gave sighs of wo
> That all was lost.

But all was not lost, no! Another mighty struggle was to be made. Although the Promethean spark that lighted the intellectual firmament had grown dim, and learning had shaken the mists from her pinions for a long and perhapse eternal flight, mind unconquerable mind was to make another effort to regain her fallen grandure. The cloistered homes of the *Literati* that survived the dreadful storm were now to be found. Constantinople, the place of their refuge was made the seat of carnage and they were dispersed through the European Continent to continue that march which had almost ceased for ten centuries. In this mighty conflict for predominence the mind was victorious;—she resumed her directive sway;—the dark clouds of raven despair began to dispel and the radient sun of the intellectual firmament to shine with redoubled splendor. Then was a new era in the history of the world. The past was made the basis of the mighty superstructure of intellectual perfection that now graces the existance of man.

Who does not contemplate with the highest emotion the swift march of mind during the last three centuries? Who, that is acquainted with the records of the past, does not believe that it has made more than a proportionate progress? It is admitted that the more the mind expands the more are its capabilities; but taking this into consideration, has not its march been more than a ratio? Behold what it has done, what it is doing and ask yourselves the question whether this be true or not? So vast has been its progress, that we might spend the thread of life and then fail to tell half the wonders. We might refer to the reform in Philosophy and Literature; we might behold the improvment in Mechanics, and point to the majestic ship as she proudly ploughs the stormy billows of the mighty Ocean, and the steam engin that propels her, we might look at the telegraphic wires that conduct news from one end of our continent to the other with the speed of lightning; we might look at the millions of twinkling spheres that shine in ethereal infinity; point them out,

one by one, tell their distances sizes and revolutions, we might point to the brilliant sun and tell you his magnitude and weight, and then fail to tell half of what has been done within the short space of three hundred years. Brighter and brighter has been the history of man since the beginning of the sixteenth century and brighter it will continue to be. New discoveries are making daily;—new wonders are constantly discovered by the penetrating eye of mind. Its happiness consists in its progress and it is now beginning to see and know its unbounded power. Three thousand years ago man was in Egypt beginning his grand career. Then his mind was baren, untutored; he was unconscious of the divine spark which he possessed; but behold how changed! Nature has assumed a new aspect. He now no longer beholds the wonders of creation, as the untamed beasts of the forests, no,—he now beholds himself the undesputed master of the boundless universe. He now knows his divinity;—he now knows that his happiness consists in approaching the perfection of his great Creator. And what has been the cause of all this? Man's strength alone could not do it; There is another higher, nobler, a more heavenly cause. That holy volume of truth that was thundered from Sinai's sacred top, amid the awful convulsions of nature, is the light that shines with meridian splendor in directing man in the high road to happiness. We have thus contemplated mind from its infant state to the present time. What a glorious, what a sublime march! Where is he that does not rejoice that he lives in the nineteenth century to behold the present state of human grandure? that he sees the glorious sun of truth rising to set no more. We have seen that perfection is the desire of mind, that it has been progressive, that it is progressive, and judging from the past what may we expect in future? The present is pregnant with theories that are soon to be realized; new ones are beginning to germinate and sooner or later will deck the records of the past as the discoveries of Newton and Fulton. Man ploughs the billowy Ocean; plays with the lightnings of Heaven, measures the plannets and weighs the sun; how long then will it be until the unseen wonders of the ocean and the bowels of the earth shall be explored? Who dares to say this will not be done;—nay, who dares to say that man will not ride in the etherial sky as he now does the great waters? Mind is a spark of the Deity:—it is immortal and we have seen that it is desirous of nothing but perfection. What then are we to conclude will be its happiness, when in the language of the Poet it shall have passed:—

> The flaming bounds of space and time;
> The living throne the sapphire blaze,
> Where angels tremble as they gaze?

Are we not to conclude that it is still onward; that it is still approaching that perfection which is perfect, and though it will live throughout eter-

nity, it will still be making new discoveries, demonstrating new truths, seeing new glories and enjoying new happiness? This is our conclusion. It is onward and upward! How great then is man, how great that spark of Divinity, that has been kindleing for the long round of six thousand years and which will continue to shine brighter and brighter throughout the long ages of vast Eternity!

The father's moderate means did not admit of the son's being sent to college, and, such being the case, Augustus, with the determination that characterized many of his later actions, and which was strong enough to surmount the difficulties that beset him in many ways, procured a position as assistant to his former teacher, Mr. Norwood, of Asheville, and was thereby enabled to continue his own mental training while endeavoring to train the minds of others. He was not shut off from difficulties and temptations, and therefore knew their undermining strength; but it seems that the sturdy foundation of lofty character had already been laid, e'er he left the home of his youth, and that he was fortified to resist the allurements of temptation by strength of self-discipline. His early writings, when viewed in connection with the circumstances of his early life, his limited educational advantages and the individual effort exerted to surmount those limited advantages, reveal the character of their writer, to a great extent, clearly and unmistakably.

After assisting Mr. Norwood for some months in his school-work my father turned his attention to the study of the law, the regular course in which he began, according to his own account, on the 5th of December, 1850, being at that time but little more than twenty years of age. Two of his cousins, the Misses McDowell, had married the well-known lawyers, N. W. and J. W. Woodfin, and it may have been either from association with them or from natural inclination that he chose the study of the law as

the study of his life. However, from the diary written about this time, and which is now in my possession, it may be very clearly seen that he pursued his chosen study with the determination to succeed, if possible, and in reading those pages one is struck not only with the beauty and force of some of the expressions and sentiments, but also with the evidences of the boy's marked characteristics, his perseverance and studiousness, and above all with the deeply moral and religious tone that bears sway through the whole. The strong points of the character of the future man were clearly expressed in his words, noble and manly, full of the inspiration and determination of youth.

Throughout all of these selections from the old and time-worn documents, yellow with age, written in the boyish handwriting characteristic of the writer, the expressions and diction, with the faulty spelling, have been followed carefully.

SELECTIONS FROM A DIARY OF THE STUDIES AND OBSERVATIONS OF A. S. MERRIMON.

December 5, 1850.—Today I commensed the study that I presume will be ended only with my life. I have just entered upon the study of the Law;—a study, which I think I may safely say, is the high road to wealth, honour, distinction and intellectual worth. It embraces allmost evry thing calculated to improve ones mind, and indeed, it seems, as if it is intended but for few, as the past teaches us that few men have fully understood and taught it. Whether I shall succeed or not, none but God knows, and in him I put all my trust, for it is from him comes all things. One thing, however, is certain; no labor nor pains shall be wanting on my part to make myself both useful and respectable. Relying on the maxim, that labor will be rewarded, I go forth to the task with ardor, though not without doubts and fears. Thousands have attempted to climb the mighty steep and have failed; and in repining have plunged the dark abyss of ruin and disgrace. Great God save me from this!

I have today studied the chapt. upon Absolute Rights of persons,—one full of interest, and which I doubt not I understand tolerably well. This evening I read a chapt. in Paley's Moral Philosophy upon the different kinds of Government, which is quite interesting. Some domestic busi-

ness prevented me from reading as much as I had intended, however I had the longer time to reflect on what I read, and reflection is beneficial.

This morning I went to my Preceptor's Office, J. W. Woodfin Esq. and was soon met by him and Z. B. Vance Esq., who is my brother student in Law, and is one whom I esteem much. I think him to be a young man of more than ordinary talent, and at the same time possessing a manly, gentlemanly disposition. I hope time will prove us both good friends and useful members of society.

Sunday, December 7.—The day being very cold I felt disposed to keep near the fire and enjoy myself in reading. I read several chapts. in the Bible, and not a little in other books. In the afternoon I went to the Methodist Church and herd the Rev. E. Rowley preach an excellent sermon,—one which did him credit and which I would suppose entertained his audience very much.

9th and 10th.—This morning I arose at the usual hour and prepared for my daily business. In the first [place] I read a chapt. in the Bible, and this I will make a general rule, for the first matter to which I attend in the morning. I then engaged in some light reading until breakfast, after which I read Law, upon the subject of the Kings Prerogative until 9 o'clock. Then paid a visit to my relations, which was very pleasant * * * After returning to my room I spent the day in the study of Law, except at intervals when I would be reading something amusing rather than instructive.

The evening the top story of our Court House went up, not falling far short of one hundred feet from the ground. May the ability of the bar be in proportion to the height of the house!

December 10.—This morning I prepared for business as usual. After my Bible reading I commenced the very long chapt. in Blackstone, on the Kings Revenue. It has occupied most of the day; some time, however, was spent in assisting Mr. H. Johnston in his store. This I can't call lost, as I am thereby profited. This evening I spent some time in conversation with my friend Z. B. Vance. This was quite a recreation as he is full of life and fun. One loves to be relieved occasionally from the close paths of such reasoners as Blackstone. Tonight for the first time we have had an examination upon the Law. Mr. Woodfin examined us about an hour and I believe we met his anticipations.

I will now, (12 o'clock), retire to rest, and find the peaceful enjoyments of sleep, which seems to be rest, and the only rest which man has, from the cares and toils of busy life. Sleep, O sleep, thou art the balm of our existance. * * * How wise, how great, how good is the Creator of Man;—the dispenser of all blessings!

December 11.—I arose this morning at the usual hour and found nature all serene. Beautiful as a virgin was the morning, and all seemed inviting.

Books called my attention to their hidden treasures. * * * When nature is calm, how pleasant it is to think, and how pleasant it is to know that all blessings come from an inexhaustible source.

Our Town is full of life today. We here the ring of the hammer, the crashing of the saw, the cracking of whips, the rattleing of waggons, the noise of cattle and hogs and the hum of the merchant. All these combined furnish quite an interesting sene for one who is disposed to look on and contemplate. How much nature, is here exhibited, how much of the old Adam? We see each one striving for himself, and are led to consider the wholesome laws that actuate to industry; laws which restrain the vicious intruder, and protect the unoffending laborer. How vast, how good the embodiment of laws which we hold as our municiple code, not to think of our National and Natural rights and privileges. Man is mighty, and yet a bubble. He weighs the universe in a scale, penetrates the bowels of the earth, and yet cannot comprehend an acorn. How mighty, how little; how worthful, how worthless!

December 12.—Man's existance requires him to take some part with his fellow mortal, else he would be selfish and miserable. It is said that this is a world of cold heartedness, but this will not do for a true maxim when we extend it to mankind geuerally; for there is a sympathetic quality in mankind generally that ever has and ever will be cherished. 'Tis that which makes man more refined than brutes.

Tonight I spent a few minutes in conversation with some visitors, among whom was my friend Vance. After some conversation we went to the office of our Preceptor. * * We left at ½ past 11 o'clock. After retireing to my room I have spent some time in reading and will now, 12 o'c'lk, retire to rest.

December 13.—I have today done my usual amount of reading. My lessons in Blackstone embraced two chapts. Both dry and of little importance only as mere historical knowledge. One cannot, however, appreciate too well any thing that this eminent jurist says; for he says what is necessary and no more. We seldom find books of this quality. We might find books written in more flowery style, yet, this would not be in strict accordance with the scrutinous acts of law, it being its object not to please alone, but to tell us our duty in plain and unmistakeable style.

December 22.—I have spent the greater part of the day in reading various books. This evening I called on my friend Vance and we spent some time very pleasantly. However, I paid well for our pleasantry as I got wet on my way home. Tonight I tried for the second time in my life to see whether I could do anything with the Muses. I made a sort of an out, not very good. Indeed I dont believe I was made for a Poet. I have very little taste for Poetry, let alone writing it. I have for some

time beeu trying to improve my taste in this respect, but with seeming little effect. There appears to be something of too small a nature or too great, I hardly know which.

January 28.—This morning for my first improvment I have read a chapt. in the Bible. This is a book that is not only valuable because of its divine character; but also because of the vast amount of general informatiou it contaius. It has something in it about allmost everything, somethiug too, that all feel interested in. All should read and study it.

For the last ¾s of an hour I have been listening to the folly of youth, aud truly the folly of youth is folly, for in it is no worth. It is the height of folly to pass one's time in the company of the vicious. Yet, it is impossible to avoid such company as we pass along the misty wrecks of time. Wo unto the youth that spends his time in talking idly and uever thinking for a moment of that which is noble, of that which makes origiual barreness present greatuess and worth.

January 29.—This morning I was up as usual and read a chapt. in the Bible. After breakfast I finished the first Vol. of Blackstone's Commentaries. How much I know of the science of Law I can't determine. I have gone over the vast field of Rights of Persons and Rights of Things and though I can perceive I know much to which I was before a stranger, yet I cau with equal facility see that there is much that I do not fully comprehend. I have speut some time today in general reading. This I cousider an allmost indispensable requisite. My education is not that of one who has all the advantages of a life of plenty, and I must so far as possible supply this requisite by increased labor and application. The sun rose this morning in all his shining splendor but was soou obscured by the dark snow clouds that passed before his cheering presence. How illustrative of this life! The winds are now howling the requiem of the past day, and tell mournfully that we may never expect its return again. Surely we ought to improve evry moment; for when once it passes us we embrace it no more, it is then with the eternity of the past. 'Tis mournful to muse on the past: friends that once cheered our gloomy hours are gone to the laud of spirits, precious privileges have been permitted to pass by unembraced and we are the dupes of iudolence aud ignoraunce. Where is the man who can say I know of no hour that I spent unwisely? Ah! he lives not, and though thousands of great and illustrious characters have graced the world, yet none have died without some secret regret of some mist spent time. How careful should we be!

January 31.—I have now commensed the business of the day, by reading a chapt. in the Bible. I find this book of books more interesting than at any previous time. There is much that is interesting to me, both as historical information and as that wich is of the Deity. One cannot,

too well understand the works of the Deity and there is no book better calculated to unfold them than the Bible.

I, before dinner, was reading over some of the chapts. in Blackstone on Personalty. I also read some of Paley's remarks on religious systems. I am not fully convinsed of his doctrine, and further, I believe that our own happy institutions go to prove the contrary of what he writes.

Since dinner I have beeu engaged in reading my text-book and Shakespear.

February 3, 1851.—I have been engaged duriug the greater part of the day in reading the last chapts. of Blackstone's 1st and 2d Vols. This evening my friend Z. B. Vance called at my room and myself and he, after taking no small quantity of very good apples, took a walk for our exercise and amusement. Returned and examined the Court House as to its commodiousness.

I find my want of a knowledge of the Latin Language very much in my way. I am constantly comeing over Latin words and phrases that very much frustrate me in my comprehension of the intention of the author. I see no way to overcome this difficulty but by untiring perseverance and by a constant refference to the best Eng. Dictionaries.

February 26, 1851.—I read Law and Poetry until dinner. * * * My taste for it, (poetry) I find is becoming much better, and much that I once found dull to me, is now very palateable. This is calculated to improve ones language and sentimeut. The day is like a May day. The sun shines beautifully and warmly. * * * We see the busy merchant engaged behind the counter, we hear the rap of the industrious carpenter and see the sturdy countryman as he comes to get his domestic necessaries and farming utensils. All is busy life. The student is shut up in his study prepareing, with hope, for future days and years. He looks around at volumes of what others have done and asks himself whether he will be able to leave something of the same kind behind him when he is silent in death. He looks forward to the time when the world will behold him on the arena of life, contending with his fellowman for honor and distinction. And while he thus meditates, a deep emotion comes up in his heart which causes him to doubt his strength for these things. Yet with buoyant hope he still winds his way onward throug the musty records of the sages that are silent in death and live only in their works. It is a consolation to him, to know that labor will make him at least respectable. How vast the Uuiverse, how expansive the mind of man, and yet how little he really knows.

February 27, 1851.—Tonight Vance and myself met and passed a short examination. We will soon have finished the fourth book of Blackstone; then I presume we will take up Coke, a long and tedious book.

We have heard from Gov. Swain who thinks it advisable for us to remain here until July. By doing this we will be prepared to get County Court Licens. I am of opinion that I will do as well to wait until next fall and get Licens, as I will have more time to devote to general reading. This is all important to me as my education has not been so extensive as it should have been. Labor overcomes all things.

March 8, 1851.—The brilliant sun has just gone down behind the western hills;—all behind him looks sedate. Ten million twinkling stars shine far above our heads. The silver moon moves placidly along in her ethereal track * * * Truly the works of the Deity are wonderful, nay, sublime. If we suffer ourselves to rove in the widest fields of imagination, we then fail to picture nature in all her beauty, in all her majestic grandure. How beautiful, how majestic, how sublime all around above and below me.

O God thou art a God of greatness. Truly thou ought to be rever'd.

March 9, 1851.—The day is beautiful. It is now 3 o'clock. I see posted along the streets gangs of white boys, men, and negroes:—quite a revolting sight on the sabbath day. Men surely have very little self respect to be thus profaning the Lords day. They would be much better employed at Church, or in reading some good book: but alas, where "ignorance is bliss tis folly to be wise." How unfortunate for the individuals themselves, and how much more so for our own country. It is to be regretted that our State Legislature does not interpose in such matters. If we look around upon our country we see that it is quite iguorant, even of the most common topics, and yet, there is little effort making for intellectual improvement. So long as this is the case, so much the slower will we be in rising to the highest point of national disti[n]ction and worth.

April 14, 1851.—Since morning I have been closely engaged in reading Blackstone, and Fearne on Remainders. The latter is decidedly the most intricate book I ever read. I hope to understand it at least tolerably well by the time I am done with it. I dont believe that any one ever fully understood it, not even Fearne himself.

Tonight I spent a few minutes in reading Chemistry; a subject that I have hitherto neglected.

May 21.—For the last two days I have been engaged in reading Law etc. etc. I have not been engaged all the time and this I have to regret, for time is always precious and is doubly precious to me. If I spend it unprofitably then I have the greater cause of regret. He who would be great must be assiduous, however, great his genius may be, and he who would be nought, (and which God forbid I should be), then let him spend his time idly. This I seldom do, and this is perhapse the reason I have such bitter reflections on passing time idly. * * * I look back and see how little I have accomplished, then look forward to the work I have

to do and am filled with apprehensions of fear as to my success in the world. I have this consolation, however, that thousands in as limited and unfavorable circumstances as myself have attained the highest distinction.

Why may I not follow in their footsteps? I live in a land of liberty, the only place where worth is ever fully appreciated; the road is open and on, on I will go than I should fail. * * * I have read some of the writings of Edgar A. Poe. I have also read his life. I know not that I ever read the life of any man, except that of Napoleon with more sympathy than his. He was perfectly miserable and the most of all was he, himself was the author of all his misfortunes. We have to pity the weakness of mankind and it seems that this weakness is to be more pitied when we see it fully developed in great genius.

Men boast of strength of mind, of greatness but alas how frail they are when we think of perfection.

June 10, 1851.—Nature seems to have on her loveliest garb now. There are ten thousand charms to call one's attention to the senery around him. The whole forests are clad in green, the fields are smiling with grain and all seems to rejoice. * * *

What a great, what an almighty God made all these wonders. Surely he deserves our devotion, our most sincere worship. Hard must be the heart of him who fails to see and appreciate the goodness of God. Surely such a mortal must be dead to all that is noble and edifying. I cant believe there are such. Who would want a better proof of God than Nature.

June 17, 1851.—I have spent the day in reading Blackstone and Saunders. I finished reading Saunders this evening. I recited my first Latin lesson this evening to Rev. E. Rowley,—a gentleman whom I consider well qualified to instruct me in that language. I have commensed the study of Latin because I believe it will be of great advantage to me and becaus I have some time that may be well occupied in such a study.

June 24, 1851.—I have just commensed reading Hume's history of England. It is very dry. I must however notwithstanding this read it and read it closely. It is of vast importance to the well understanding of the English law.

July 1, 1851.—This morning I read a chapt. in Blackstone, then read History, then spent some minutes in reading Burke on Taste. I then went into Court and spent my time till 12 M. * * * This is the first day of July. How fast time flies! How we should improve it too as it passes.

July 28, 1851.—This morning I read several chapts. in the Bible. After breakfast spent some time in reading News Papers. At ½ after 10 o'clock

I went to the M. E. Church and herd a very good sermon from Rev. W. Hicks. He is a very fervent man. His appeals to sinners are very vehement. This evening I attended the Presbyterian Church and herd a very good sermon. It was well delivered and was written in good style.

Monday.—This morning I commensed the business of the new week by reading the chapt. in Blackstone on the Feudal System. This is quite an interesting and important chapt. After reading this I read one in the 4th Book, whieh was no less interesting. I then spent the remainder of the fore part of the day in reading Hnme's History.

Since dinner I have been prepareing my Latin lesson. Latin requires a very great effort of the memory. It is not so pleasant on that account. I think however, that I will gradnally aeqnire a sound knowledge of latin.

August 5, 1851.—This morning I commensed the business of the day by reading the trial of Sir Walter Raleigh. This was quite interesting. In the greatness of man there is also weakness. He was a great man, yet like all others he had his infirmities. I then read a ehapt. in seeond Blackstone on Estates in Possession Remainder and Reversion. This chapt. thong intricate, was very interesting.

It was at this early period of his career that my father met her who was to be his helpmeet through forty years of life together, Margaret Jane Baird, daughter of Israel and Mary Tate Baird. The latter was a daughter of Samuel and Elizabeth Tate, of Pennsylvania, several of whose descendants of the old family of Tates may now be found in Western North Carolina. Israel Baird was the son of Bedent Baird, who, with Zebulon and Andrew, his brothers, removed from New Jersey and came to North Carolina, settling in the mountainous district of this State, of which section they may be regarded as among the pioneer settlers, where they became large land-owners and well-known citizens.

Margaret Baird was but a school-girl at the time of which I write, possessed of intelligence, refinement and beauty, and the heart of the young law student was taken captive. In spite of other suitors he won this, the most important of the early cases of his practice, and henceforth life held

for him a double duty and a still further incentive to earnest labor; for in these early years of his professional career his life had its privations and discomforts to be manfully endured, and its temptations and trials to be fought against. Oftentimes away from home, without home comforts, sleeping sometimes upon his office bench at night or enduring other discomforts incident to his struggle upward, he entered upon the study and practice of the law with no bright prospects of certain attainment in view, no sure reward before him in the field of labor he had chosen.

To him life appeared to be full of duty; first, his chosen study, then the branches of learning that radiate from and cluster around a thorough knowledge of Law, general literature, history, travels, biography, were to be read and digested in order to familiarize himself with the products of the great minds of the ages; next, conversation, bodily exercise, sleep,—all these were important to him as bearing upon his successful study for professional life, when he recognized the necessity for economy of time.

Below are extracts from still another diary kept during the year 1853:

August 1, 1853.—This morning I resume the practise of Journalizing, after haveing left it off for eighteen months. I left it off rather through neglect than necessity and I regret now that I did so. Journalizing is a pleasant amusement, and it is at the same time, very beneficial. It enables a man to keep before him a map of all he has done and many times he notes down events that transpire each succeding day, that might and perhaps will, be of great benefit to him in future life, though he cannot at the time see when or how. The future is a mystery to us, we know little about, and hence the great necessity of availing ourselves of what we do and can learn from the past.

In the forenoon my law reading included a chapt. in Story on Contracts, on the subject of "Agency." It contains only a cursory view of that very important subject. Haveing read a more extended treatise on the same subject heretofore, it served me well in refreshing my mind in regard to the most important and leading features. I spent some time in

reading light literature before dinner—Moore's Poems, Esop's Fables, &c. I am fond of Moore's melancholy poetry, and quite amused at Esop's Fables. Everybody ought to read them. I don't known how I have neglected this so long.

August 2, 1853.—I find that my literary appetite quickens evry day and I should not be surprised, that, thongh formerly I cared little about light reading, I make it convenient to spend many hours in reading the English Classics. This would not be time ill spent by any means,—evry man ought to be well read, and indeed, if he would be a good speaker, or be considered an intelligent man, he must, both read and study what is termed light readiug, or literature. It is matter of pleasure, amusement and advantage to one to make himself fully acquainted with literary books.

Tonight I atteuded the Division of the Sons of Temperance. There was quite a small turn out tonight. I fear that the glorious cause of Temperance is not moveing on as rapidly as I could wish.

August 3, 1853.—There is now great excitement iu regard to the Congressional election.

In a Republican Government like ours, of all classes of men, demagouges are to be feared the most, and I do not hesitate to say, that if this happy country is ever ruined, as I most sincerely hope it never will be, it will be done by the acts of demagouges, base slaves to political asprations and preferments. It is to be hoped that there will always be men enough, I mean good men, to save the country of the quicksands of disunion and dissension in evry crisis. Evry patriote ought and does deprecate anything that has a tendency to weaken the bonds that bind this great and glorious nation together. Our Union is our safety, our safe guard, our all and may the ruler of all things ever preserve it! Who does not love the Union? Where is the man so base as to even wish to see one single tie that binds us as one people dissevered? If there be such a one let him blush in shame and die the death of an infidel.

August 6, 1853.—This evening I have spent some time iu reading. Tonight all is lovely, nothing is to be heard save the cricket upon the hearth and the Catadids among the trees. How lovely! how melancholy! how pleasant to him who woes solitude! Let the soul on a night like this withdraw herself from surrounding circumstances and contemplate for a few minutes herself. How high her being, for what noble purposes created, and to what end destined!! Who can estimate her worth, who cau measure her height? Not the tallest Ark Angel in Heaven. She is the vital part of man, the important part of man, let him look well to his present existance and prepare for au eternal one.

August 8, 1853.—The fore part of the day I spent in reading Law. I read the law of Bailmeut.

I have finished reading the Scottish Chiefs. The book is not written in the finest style, though well enough to make it entertaining and it is not without merit. It has a tendency to inspire patriotism, heroism, high-mindedness and real honor. It cannot be expected by those who are at all acquainted with mankind, that we shall ever see the equal of Sir William Wallace, nevertheless, let all endeavor to approach the virtues of an ideal man to a great extent, as near as possible. It also presents in a strong light the heroism, manners and customs of the Scotts, they were a brave people, an honest people, a people that I could have loved. I fear that the people of that country have greatly degenerated, that they have long since forgotten many of the deeds of their ancestors, and that they will allways be subject to another power.

August 13, 1853.—Today I have been busily engaged in reading Law and miscellaneous reading. I have thought much also. The day has been very warm.

August 14, 1853.—The sun shines resplendantly and evrything is joyous. I read two or three chapters in the Bible and a sermon then went to Church.

Sunday is a day of pleasure indeed. The Christian rest[s] from his labor and repairs to the house of God to worship; others find it a day of fun and amusement, while others enjoy themselves reading and thinking.

August 15, 1853.—Today I have been closely engaged in reading. Read Law and miscellaneous reading,—finished S[t]ory on Contracts and Roberts on Frauds; both interesting works, and highly deserving evry students close and undivided attention. I feel much benefitted by the perusal.

August 18, 1853.—This morning I commensed a review of Blackstone, secon[d] Book. I find the work more and more interesting evry time I read it, and never fail to discover something new.—In all my reading I have not found a work on any subject so comprehensive.—All the law Books I have been able to read contain only an extended view of the subjects Blackstone has treated of with a master's hand, and the more you read in other books, the more you are capable of understanding him on the same subject.—The afternoon of today, I have been engaged in reading Starkie on Evidence, and other miscellaneous reading. Tonight is gloriously beautiful. All is wrapped in slumber save myself. Evrything is silent and nature looks so grand, not sublime for it has none of the terrible, but grand, majestic, it looks like the work of a God. What a structure this world is! O that I could understand its origin, it as it is and its destiny!!

August 31, 1853.—Today is the last day of summer, and who has not a tear to shed over the summer gone? Could it not have been spent more profitably than it has? Ask ourselves the question. Another half year

is gone and with it what mighty things have come and gone.—Ten thousand glorious crops have come, and ten thousand more beautiful fields of flowers have come, and millions of new things have come,—are gone or partly so, but more than these are gone. Some of the greatest and best men of the world are gone, mighty things are gone and we shall see them no more. We too are passing away,—will soon have filled our course here and let us do it well, we can, we should. Let the next six months of the passing year witness greater efforts on our part to do evrything that devolves upon us to do.

Thursday, Sept. 1, 1853.—Fall with her leveling sythe is commensed her deadly work. Flowers are gone and the leaves are following fast after those beauties that are already gone. Nature is a great book for all to learn from and we should all share what was no doubt intended for our common benefit. If man had nothing to teach him, but the broad Univers, he surely could not be ignorant.—What lessons he might learn from the Globe on which we live! What lessons from the moon and stars and sun!! With these silent teachers man ought and surely would be a great and intelligent being. But we have more than this, we have all the learning of all the ages that are rolled back on the ocean of things that were. All that our fathers learned is at our command. In view of all these facilities how learned we might be, what great knowledge we might possess,—nay, how *wise* we ought to be!! How wide the feild of thought! Where is the limit? Mind is eternal, its grasp is infinite and its aim should be to search after those things that have the greatest to promote the happiness of the same.—How few think of the strength, of the intellectual strength of man, of what he really is? How few think of his capabilities, of his destiny! Few, indeed few. Men move on and live as though it were a matter of course that they should live, little thinking of their high destiny or of that that devolves upon them as a duty. Fearful idea!—I hold that evry man has a great duty to perform. We all are indebted to society alike. It is evry man's duty to do all that he can do, to promote the greatest and best good for all mankind. It is his bounden duty and it is his interest to do it, but how few believe it! How selfish is man! How few love the great heard of the human race! When we look at things in this regard in their proper light how melancholy a state of human affairs do we behold!!

Thursday, September 8, A. D. 1853.—Today is the birthday of my wife. She is today nineteen years old, fresh and beautiful as ever. She has a devoted heart, a constant heart. A Good lady. This evening I have read Law.

Friday, Sept. 9, 1853.—This morning is very damp and unpleasant. I have commensed investigating the subject of Quo Warranto today, with a view of commenseing a suit of that nature shortly.—I find that the

English Practice on that portion of Law has been quite loose. Our practice I apprehend is more so.

How uncomfortable one is rendered by a long spell of wet damp weather.

Wet weather however, is a part of the course and operations of nature, and one should be reconciled to all temporary inconveniences and unpleasantness. I have always found by my own experience and that of others too, that Nature does all things as they should be, that in the end, evrything works together for God. Providence is the best guide. Mans ken is too short to order the course of nature. The wisest and greatest and best men many times fail to direct the small ship of a single state properly and safely and how could he steer the vast ship of the Univers, with all its different departments through the great Ocean of infinity? The task is too great, the tour too long, the ship too stupendous for a man or a set of men to guide her. Then why repine at the doings of a being, the only being that can control nature! It is folly,—it is foolishness!

20 minutes after 8 o'clock.—I have just been reading from the *Home Journal*, a literary paper of some merit and not without some reputation. I have just finished reading an Article, or rather an extract published in it and formally endorsed by the editors, as being very good, on English life. It is well enough written and I have no doubt is correct, if we simply look to one grade of society in that country. The objection to the extract is, that it represents the English people all as being a people of most polished manners and practiceing the most accomplished modes of liveing. As above remarked, this is true if we confine ourselves to one grade of society, but if we take the bulk of the english people, I apprehend quite a different tale might be told. The English people though, as polished, as a nation of people as almost any other nation, nevertheless this high state of refinement is not a characteristic of the english nation and the error is, that the extract produces the impression that it is giveing a sketch of what is a common characteristic of the English Nation. The people of a particular town or village may be very polished, but to give a description of the people of that town would be very far from giving a correct description of the manners and customs and the general style of a whole people. One town, neither does one class, make up a nation of people, but it is evry body in the nation taken collectively and when one would give the correct history of the manners, customs, and styles of a nation of people, let him be careful to have an eye to the nation as a mass and not as a part. Editors of Papers and Periodicals should be careful as to the matter they permit to go into their papers &c, for, let them recollect that newspapers and periodicals have much to do in making up the sum of information of the youthful generation, much to do in forming their opinions and principles, both political and moral and I might add religious. Alas! however, we have few good Editors! Notwithstand[ing] the

grand and important position of an Editor, we see scores of men making their dail[y] bread off of the public, in this capacity, when they could hardly write a business note of the simples[t] nature correctly.

September 15, 1853.—Today is a beautiful day. I have been engaged all day in business and reading. This is my birthday. I am today twenty three years old. One third of a long life, if I should live a long one, is gone, gone forever and how much I have to reflect upon! Have my days been spent as profitably as they ought to have been? Ah, that's the question. I have seen much and heard much and learned something. I hope I have done many virtuous and beneficial acts, at the same time I fear that I have done many things I ought not to have done. I have the pleasant reflection however, that I have endeavored to do no one harm and that I have never done an act that if it was necessary, I would be afraid for the world to know. This is a consolation, a great consolation, a proud consolation! The importan[t] part of life, in the preperation to act, is almost past. In youth we ought to prepare to act in manhood we ought to act, act for the good of ourselves and the good of our fellow man. If I should live twenty three years longer, I hope to improve them more profitably and substantially. May I do so!

Monday, September 26, 1853.—[After reference to occupations of the day.] Tonight is pleasant,—nothing disturbs quietude, while nature assumes her nightly mantel. A few thin clouds float lightly through the almospher and ten thousand little stars seem to sing sweetly together. What is there to make man unhappy here?—nothing, save that restless disposition to move on, onward forever! Man is not a stationary being; he stops at no certain point. One degree attained he desires another and when the soul has reach[ed] the perfection of an angel, the probability is, onward, onward; will be the watchword. Mans mind, in its thoughts, is infinite,—time and space cannot contain its wanderings. It reaches to the highest Heaven and goes down beneath the lower Hell. How great is man! how great and O, how weak! Mind is infinite and yet man cannot comprehend a blade of grass. What weakness and strength combined! Who can understand all of man?

Tuesday, September 27, A. D. 1853.—I neglected to note down that I read a very interesting Chapt. in Blair's Lectures on Rhetoric, last night after I had finished writing for the day. It was a criticism on the style of Dean Swift. Dr. Blair is very complimentary to the Dean, nevertheless he discovers many errors in his composition. He analyzes closely and discovers hundreds of inaccuracies that even a close thinker, and observer would not notice. The aim of Mr. Blair seems to be to infuse into young writers the spirit of care in regard to composition, to be careful to use proper words and to use them in proper places and in a proper manner. I admire his manner of critisism and while he does ample justise to the

author whose writings he is reviewing, he points out to his readers many errors in the best authors that may be avoided. This is well, and evry one should read and study his Lectnres on Rhetoric.

Thursday, Sept. 29, 1853.—Today I found a man, (who became my client,) anxious to become litigant, and yet he feared to even have a writ issued. The thought of cost frightened him, and yet he was over anxions to see revenge in a court of Justice. I remarked to him that, he who would litigate his claims should have no fears as to cost; for he that would litigate must pay for it.

Friday, Sept. 30, 1853.—This is the last day of the first month of the fall season of the year. One twelfth of a year has passed of so soon, how little has been accomplished, when we consider how much ought to have been done? Few, very few, have done their duty!

I rode this evening, have not felt pleasantly to day. Have had many unpleasant thoughts about the past. It is all gone forever, my circumstances and opportunities have been bad and I now see clearly that I might have spent my time more profitably than I did. But 'tis vain to mourn the past. Why is it; it is gone, let us improve the future and the present. Let us think of the present and act with an eye to the future. We all see at too late a day our errors; and when the day comes for us to find them out, it is not well that we should too much regret that we acted improperly. It is better that we should learn from the past to improve the present and the future. It is well too that we look at the conduct of others. We may learn to avoid many errors, if we will closely watch the conduct of our fellows, and many times, we may find virtues to imitate, even among the most ignorant and unrefined. I read tonight Rhetoric &c.

Saturday, Oct. 1, 1853.—This morning about nine o'clock, I attended and saw one of the best friends I ever had die.

He is called hence by a high power and we ought to submit. Why do men mourn when death comes and a friend is called to the land of spirits? It does no good, none,—it rather does harm. It affects the mind, sometimes seriously and greatly fatigues the physical system. There are occasions when I think men ought to weep and lament; but not when the Maker of all things comes in his wisdom and justice to claim what is his own.

Saturday, Oct. 8, A. D. 1853.—Last Sunday evening I left home for Court in Henderson County—Rode to my father's sunday evening, a distance of 14 miles. Had a pleasant ride, found my father and family well. As I approached the home of my early youth, I felt sorrowful, sorrowful indeed. I though[t] that I would meet glad and merry faces, but I knew I would not meet one fond, and my best friend. No, no, my Mother, O, my Mother had years ago gone to the silent house of death. My thoughts

were solem and mournful.—I recollect, distinctly that I never left home in my Mother's life time and returned without being greeted by her first on my return.—But my dear Mother greets me no more, no, no, she is gone to the Spirit land.—I visited the spot where she lies mouldering to dust. It was after dusk, when I approached the sacred spot and O, how solemn it was. No sound disturbed the stillness, the stars looked down in sacred silence and all nature seemed to chime in with my solemn feelings. I loved my Mother dearly and now cherish her memory with a sacred pleasure. She moulded my character in a great degree. She was a woman of most excellent mind, and a purer being never lived. She strove to do her whole duty and she accomplished it, if ever mortal did. She was a noble woman, loved and esteemed by all who knew her.

I found my little brothers and sisters all well and jovial. They were glad to see me and I felt that I was at "My Father's Home once more."

Monday morning I reached the Court about 10 o'clock, found a large collection of people. At 11 o'clock the Court House bell rang and on entering the Court room I found many intelligen[t] members of the Bar, and on the Bench the Hon. Judge ——. Judge —— is a tall man, rather slender and at present quite lean.—His looks indicate that he is about the age of 65 years. His face is very much wrinkled and one would infer that the old Judge has indulged too freely the sparkling bowl.

In a few moments Court was opened. The Grand Jury called and the Judge then proceeded to charge the same.—His charge was very short and it seemed a hard task for him to perform. Brevity seems to be a characteristic of the old man any how, for I noticed that everything was done in the shortest order.—The State side of the Docket was taken up first. No cases of importance.—Most of the cases were Assaults & Batteries, brought about by whisky drinking.—It required the time of the Court until Wednesday 12 o'clock.—I appeared in one State Case. My clients were charged with the offense of Mallicious Mischief. We expected the State to make out a strong case, and hence the counsel employed with me and myself prepared the case well. We anticipated that we would make one or two points of law and we went into Court fully prepared. When the case was brought before the court and the witnesses examined, we found quite to our surprise that the State had not made out the case at all.—The Judge seeing our books, I suppose suspected that we would make two long and we[a]risome legal speeches and to comply with his rule of brevity, he said as I rose up to open the Argument for the defense, "Gentlemen there can be but one point in this case and that is, was there mallice to the owner of the property." "You will therefore, confine your remarks to that point."—I therefore cut my remarks short and detained the court only a few minutes in regard to the facts. The Court remarked to the Solicitor that the State had failed to

North Carolina State Library.

make out a case, but the Solicitor insisted upon a verdict. We succeeded in having our three clients acquitted. There was little business of importance done during the week.

I regret that the rules of order and decorum in our courts are not better.—Lawyers do not act as become the high station they occupy, neither does the Judge.—I saw Judge —— call a Lawyer from the Bar and ask him for a chew of tobacco, and I have frequently, during the week, seen the Judge sit with his feet upon the front of the Judge's stand. This strikes me, as unbecoming the dignity and station of a Judge.—This want of proper respect to the station they occupy, is not on account of any want of intelligence on the part of the Judge and Lawyers; for as a body of men they are quite talented, and many of them are accomplished gentlemen. They have however, suffered themselves to fall into this loose way of doing by inattention. Nothing of importance occurred during the week.—One old man, who got very drunk attempted to go up the steps at the court-house and fell off, hurting himself thereby, seriously as he thought when he got sober. * * O wretched fruits of whisky drinking! * * I reached home yesterday evening.

Wednesday, October 12, 1853.—Court opened this morning at 10 o'clock. A small case was taken up first and has occupied the time of the Court all day.—It ought to have been disposed of in half the time. * * Lawyers ought to learn to do business fast and to arrive at what is just between man and man. I do not think that it is the duty of a lawyer to assist a scoundrel in carrying out some scheme to defraud his neighbor. It cannot and is not his business.—It is his whole duty to see that the real interests of his client are looked after, and by this I mean his just rights.

Thursday, October 13, 1853.—I read tonight Fletchers Studies on Slavery.—I read the same last night.—I find it unusually interesting. It takes a practical view of the subject and at the same time a philosophical one. It goes back to the beginning, considers it in the abstract and exposes the fallacy, and groundless objections, philosophers and fanatics have raised against the Institution of Slavery ever since the same has been an institution, and the work shows clearly that slavery was in existance at the earliest times of which we have any account. If Abolitionists in this country would read the work with an unbiased mind and free from prejudice it would serve to dispel many illusions from their minds, and in the end redound to the welfare of this whole country. I hope such a day will come.

Saturday, October 15, 1853.—This evening the Agricultural fair came off for the County of Buncombe. It is the first occasion of the sort for this county, and this is no compliment to the intelligence, industry and pride of the county. Many things were shown and most of the animals

and articles exhibited were creditable to the owners. An Agricultural Essay was read to the Society.

I hope this day's work has given an impulse to the agricultural interests of this county, which are by far its greatest interests, that will be felt for years to come, and that those who to day witnessed the first Buncombe Fair may live to see many more.

Friday, October 21, 1853.—I have been attending Madison Court. I had a pleasant ride down the romantic French Broad River on Sunday evening last. The River winds its way in a northerly direction from Asheville, through a gorge extending through a solid bed of mountains between sixty and seventy miles broad. On either side of the River stupendous mountains rise up while ten thousand massive cliffs project out towards the river. The whole bed of the River forms a shoal nearly the whole distance of sixty miles. I don't know of a more romantic and interesting peice of road than that lying immediately on the bank of the French Broad for the distance of sixty miles.—I reached Jewell Hill, the place where the court was held, on Monday morning. The house in which the court was held, is a miserable one, very open, with no seats, but two or three very indifferent ones, and the majority of the people that attend the court, are worse than the house. Men and women attend the court and drink and quarrel and fight and get drunk. —It is due that I say there are some clever genteel people in the county, but the masses are little better than heathens. It is much to be regretted that we have such society in a country like this. It should not be and I hope the day is not far distant when the people will come to a proper knowledge of themselves. Little business was done in court, more was done however, than ought to have been done. To attempt to hold a court of justice in such a house as the one at Jewell Hill is a mere mockery of Justice.

Tuesday, October 25, 1853.—On Saturday last, there was a considerable collection of people in the village, attending the muster that took place on that day.—I believe a pretence was made to muster, barely a pretence. It is a serious fact that our Malitia System is worse than none.—We have poor Malitia Laws and they are as poorly executed.—This ought not to be so. It is very important that all able to bear arms should know how to do so in times of emergency. Our citizens will never learn under our laws.

Tuesday, November 2, 1853.—An honest citizen who had a difficulty some time since came up to me on the street and with a greatful heart offered to pay me a dollar for "my very best advice," as he termed it, in regard to the settlement of his unpleasant family differeuce.—I had advised him to compromise with his wife and not suffer his case to come before a court of justice. He did so, and it was with an air of gladness and gratitude he hailed me the settler of the unpleasant difficulty.—I could

not refuse to take the poor fellow's dollar, though, I did not take it as a fee. May he and his wife live a long and happy life after this.

Wednesday, November 3, 1853.—I have just finished reading Mrs. Stow's work on Slavery.—Title, "Uncle Tom's Cabin.—This work has been published some time, but I have never read it until the last two days.—It has created a great noise in this country and in England, and why this is so, I am at a loss to understand.—It is well composed, but thousands of books have been written equally as well, and not one half the noise made.—It is tragical, but not more so than many others. It proves nothing that the author hoped to prove. If we were to admit all that she says, as true, it would only prove that Slavery as an institution has been and is abused. This does not affect the Institution as such. Thousands of scoundrels use the Christian Church as a cloak to cover their foul deeds, but does this prove that the Church is an evil or corrupt? Surely not. And because some men abuse their slaves in the most cruel manner it does not prove that Slavery, as an Institution is an evil. Slavery in this country is here, and to abolish it, would be very dangerous to the government and institutions of our country, and Mrs. Stowe will have to do something more than show the abuses of Slavery, before she will succeed is accomplishing her wishes here.

Slavery has certainly existed from the earliest times down to the present, and it would seem that it is, in one sense, of divine appointment, this is clear from the Scriptures, but whether there can be slavery upon philosophical principles is another question and one upon which my opinions are not well settled, I incline to the opinion that it can.—I am now examining the subject to satisfy myself.—I am thoroughly convinced that Slavery in this country cannot be abolished without greatly endangering our country, and indeed, whether it can be at all. If it is an evil in the abstract, it would be a greater evil to abolish it here, and therefore, I deprecate any movement to do it. Those fanatics in the North, inste[a]d of helping the evil, as they term it, are only making it worse and the sooner they cease their noise the better.—They can never accomplish their wishes, and I should greatly regret it, if they could.

Tuesday, November 9, 1853.— * * * It was my intention to attend the Sons of Temperance tonight, but my indisposition has prevented me from doing so. I dislike exceedingly to be deprived the pleasure of attending the meetings of this noble order. Evry sober man at this day should be a son of Temperance. His influence ought to be thrown into the scale of reform. It will do the temperance man good as well as the whisky drinker, in that, that pest of society is in some degree done away with, in evry individual reform. No man can live for himself alone in this age. Evry one is affected more or less by the toper that lives in the town or neighborhood. How important then that sober men use all the

weight of their influence in behalf of the reform of the inebriate! He not only improves society, but many times he applies healing balm to a breaking heart and sends clothes and bread to naked and starving children. It is the duty evry one owes society to do all the good he can for the same. Selfish indeed, is that man who mocks at degradation and secretly and silently prides himself upon the superiority he possess[es] over his fellow. Such a one, is at least, no philanthropist. Evry man should and is bound to do all he can, consistently with his own preservation and that of his family, for mankind at large, upon the principal, if no other, that it is landable in the eyes of the world and therefore adds to his own individual happiness. I would that all men loved their fellow as they should.

Thursday, November 10, 1853.—The fore-part of the day I spent in reading Chitty's Pleadings.—Read the first chapt. and several sections in the 2d.—This is a great work on Parties to Actions, the different kinds of actions and the Pleadings in the same.—I intend giveing the work a thorough Revisal this time. It includes evry thing almost, connected with the practice.—This evening I have read Starkie on Evidence and Fletcher's Studies on Slavery.

Sunday, November 13, 1853.—I have just finished a perusal of Fletcher's Studies on Slavery. * * It is an able work and one characterized by great learning.—I have seldom seen so able a work.—His style is plain and neat and forcible. It abounds frequently with the most cutting sarcasm. If we had more works like this, and these generally read it would be better for our country. Mr. Fletcher writes with great composure and does not suffer his mind to be carried off from a calm and just view of his subject.

Tuesday, November 15, 1853.—I rose very early this morning and rode into the country to my Father's.—Had a cool ride in the early part of the morning.—Reached there at ½ past 10 o'clock.—Found my Father's family all well.—Our dear one was absent,—My Mother,—She is gone. Evrything seemed desolate in her absence. Ten thousand sad memories sprang up in my mind, as place after place familiar to me came before my view. All was there save one fond object.—Spent two or three hours with my father and his family, then turned my face towards home.—It was night before I reached home. About dusk the beautiful moon rose in all her splendor. And how fine a time I had for silent reflection, as I rode over the good plank Road, all around was silent save the constant clatter of my horses feet. I thought of the past and hoped for the future.—When I came in sight of the village it looked silent and the soft light of the moon seemed to look down on a village wrapped in slumber and I thought how busy are the people, all still pushing and toiling ahead careless of the soft moonlight or the silent workings of nature all around them.

Wednesday, November 16, 1853.—I have spent the most of the day in business and conversation. This evening I have read the news.—Tonight I read the Life of Marion. I am fond of reading the lives of our distinguished Heroes and Statesmen. Evry one ought to be familiar with the history of his own country, if no more, and the Biographies of mens lives, worn out in the service of their country contain much that is valuable as history, not only of the man, but also of the country.—American History has been greatly neglected. It is a fact, that there is not extant a *good* history of this country. There are many portions of the country of which the history has been written, but there is no good general history. There ought to be and some one capable of chronicleing the events that have transpired in this country might win an undying fame in doing so.

I hope some one of the present generation will accomplish so great a work. One must consult many authors to get a superficial knowledge of this country.

Thursday, November 17, 1853.—This morning I read Law,—Chitty's Pleadings, a most useful book and evry lawyer should be familiar with it.—This evening I have made a purchase of a lot of Books, Literary books principally.—It would have been better, in view of my circumstances, to have deferred the purchase of the books, but for the reason that I got them cheaper than I could buy them at a regular book store.—They contain a vast deal of information and I hope to be able to improve my stock of information greatly by a perusal of them.

Sunday, November 20, 1853.—Today has been fine. Read the Bible, sermons and finished the life of Marion. It is hard to do the character of this amiable man justice. His services were peculiar and of the weightiest importance.

He was one of nature's noblemen, did great service for his country, received no pay and history has never done him justice.—The people of this country have failed to do justice to his memory. * * He is surely entitled to everlasting remembrance by the American people and [they?] may cherish his memory with patriotic fondness.—It ought to be the aim of evry American historian to present the public with the true character of such men. It would infuse a feeling of reverence for our ancestors and a spirit of patriotic affection time and circumstances could not obliterate.

Tuesday, November 22, 1853.—I commensed the labor of the day by reading an hour or two this morning. I read law—the law of evidence. After this I read papers—then finished a little history of the Battles of the *Waldenses* by the Rev. J. T. Headly.

His "Napoleon and his Marshalls" is certainly unrivalled for the picturesque, the wild and fanciful that characterizes every page. I read it with pleasure, because I sympathise with the unfortunate Napoleon.

This evening I have been reading law and takeing notes on the same—Read Chitty's Pleadings. I think the practice of takeing notes beneficial.

I find Scott's Novels interesting and wish I had more time, leasure time to devote to reading them. They are written in fine style and evry page has more or less of something of thought that is valuable to the man of general information. I have also read two chapts. in Blairs Rhetoric. I find this very interesting and evry one who has any fondness for literary improvement ought to read it. It is full of the most solid information and contains many valuable suggestions and directions to the student.

Thursday, November 24, 1853.—I commensed the business of to day by reading law—read two or three hours this morning, went to the Village, conversed, attended to some business in my office, returned home, then went to church, this being thanksgiving day and heard some very good remarks made by the Rev. Mr. ———. He is not a good speaker but a sensible man and he preached a very patriotic sermon. He seems to have a heart and soul large enough to enfold our great, glorious and prosperous Republic. Long may our land, Columbia's soil be the land of freedom and may the glorious *Stars* & *Stripes* forever float proudly at home and abroad! Who does not love his country, his whole country? — Since dinner I have been engaged in reading Chitty and takeing notes on the same. This evening I have continued my perusal of Starkie on Evidence—it continues to increase in interest.

Sunday, November 27, 1853.—This morning I read several chapts. in the Bible—The History of the Life and death of *Christ.* This I found interesting. Truly he was a man, a *God* of sorrows, while he sojourned upon the earth. "He had not where to lay his head." I read several chapts. in the book of Job. This is poetical. The writers of the Bible are emphatically the most forcible and many of them the most beautiful in the world. If the Phrophets were not inspired, they were men of great learning and deep research, not in lore that existed before them, but in *nature* itself. I would I could understand the scriptures and that I were free from an aching doubt. Is it possible for a man to die and be saved after the system of Christianity, doubting? And who can understand and comprehend so well as to free his mind from all doubt? —— "help thou mine unbelief."

I have read a portion of a sermon on the *Judgment* by the Rev. Dr. Bascom. He preaches with his usual force of style on this subject, but seems unable to grasp the magnitude of the same.

Tuesday, November 29, 1853.—Tonight I attended the Division of the Sons of Temperance for the first time in some weeks or months. I was pleased with the meeting. This body of men has done great good towards stemming the dreadful current of intemperance that has inundated our

whole happy land for years. They will continue to do good and thousands have and will rejoice that the order of the sons exists.

Wednesday, November 30, 1853.—Today I have been principally engaged in makeing arrangements to go to Cherokee Court.—It is one hundred and twenty miles from here to Murphy in Cherokee County, a long distance to go to a court. I must go however, he that would make money at the practice of the Law in this portion of North Carolina, must attend several courts, get many cases, for cases do not pay well. The country is too poor to pay well. Hence arises the necessity. I will go to Cherokee and enlarge my circuit, I will read on my circuit at night and leasure hours, and in this way endeavor as well as I can to make up for the time that I ought to be in my office. Hard indeed is the life of a laborious lawyer!—and no one can become a profound lawyer without great, unceasing labor.

HIS PROFESSIONAL CAREER AND ITS ATTENDANT CIRCUMSTANCES.

That self-reliance is engendered by the very need of it is illustrated in the character of some of the world's great men who, from boyhood, had to battle for themselves against opposition, difficulties and dangers in myriads of forms. It would seem that opposition but brought to the front the strength of character in those determined to succeed; that it whetted the appetite for success and gave courage a new impetus to overcome all obstacles. Alas! such is not the case always, but it seems to have been true of him of whom I write.

Having obtained county and Superior Court license, my father was fairly launched upon the great sea of legal practice with youth and inexperience, but with courage and determination. He soon attained the reputation of being a good collector of claims, and from the complimentary passages in letters received at that time he seems early to have won the confidence and esteem of his clients. His characteristics as a collector were promptness, fidelity, good judgment and perseverance, and another characteristic which was appreciated by some of his clients was the moderateness of the fees charged them. He was made County Attorney for Buncombe and other counties in that district, and his friends seemed confident as to his future success, desiring him to seek a broader field of labor in a larger city and even to aspire to position in the halls of the lawmakers at Washington. It must have been gratifying to the young practitioner to receive such words as the following from men in authority:

"I have every confidence that I shall find you enjoying a large share of public confidence and favor—the reward of your industry and learning."—*Judge Samuel J. Person, 1854.*

And the following encouraging words in reference to the politics of the day may have strengthened his resolutions for future usefulness:

"You have the talents and energy to build up a character for yourself. It was never intended that you should be a mere copyist of others or follow in the footsteps of more presumptuous men. Set up for yourself, making, however, virtue, usefulness and patriotism the governing principles. This is not the road to success these days when servile devotion to party is exacted and little men and contracted views and strange isms rule the day, but it's the only way to command the respect of good and sensible men. If you can build up a party where jealousy shall be eschewed, virtuous actions encouraged and selfish ambition excluded, I will certainly constitute one of its members.—*John Baxter, July 13, 1857.*

The year 1860 found Augustus Merrimon pressing forward in his profession, winning public confidence by his integrity, justice and patriotism; surely but steadily climbing the heights of popular esteem; not waiting for others to prepare the way for him, but advancing bravely to meet the difficult questions of the day—he sought to promote the welfare of his country. The war approached. Secession sentiments were being emphasized, and those who saw in advance the fruitlessness of war, the useless shedding of blood, the strife and hatred engendered between the sister States—those whose better judgment recognized these facts, but whose feelings maintained the warmth of Southern patriotism, bestirred themselves to avert the impending danger and warned and expostulated, but to no effect. They may have seen in the dim light of future years the effects of four years of civil strife, the Sunny South depressed, impoverished, dwarfed in growth and retarded in her efforts for advancement. But the feeling that had

been germinating for years burst forth, and Civil War with all its blasting, blighting effects, its bloodshed and havoc, soared like a vulture over the sister States,—satiating its thirst in the blood of brother fighting against brother.

In the year 1860, Augustus Merrimon was elected member of the House of Commons for Buncombe. His politics were those of a strong Union Whig; and while in Raleigh attending the session of the Legislature he used the opportunity of speaking to the people and of expressing his strong convictions with all the fervor of earnest belief concerning the then impending calamities. Before the war he maintained strong Union sentiments; and with the earnest convictions of what he deemed best for his country, tending toward good government, it seems that he was unwilling to shirk a duty honestly plain to him. Not only did he desire the welfare of his countrymen, but his efforts had that end in view. Looking into social conditions and the evils of government with a view to rendering aid in rectifying them, he battled with the defects of the times and afterward reaped the reward of his people's trust and confidence. It may have been by the logic of sound reasoning that he foresaw the uselessness of secession, the sacrifice of noble lives, the desolated homes; however, his own loyal principles caused him to seek to maintain the rights of the Union in recalling the seceding States, and he vigorously upheld those rights and endeavored to lead the people to see the vanity of attempting secession. But when war became inevitable, though his judgment had pleaded for the peace and order of a stable Union, yet his patriotism and love for his section drew him to the support of his own people and State.

Many difficult questions were then brought before the people and their law-makers for discussion and settlement,

such as abolition, railroad extension, *ad valorem* taxation and others, and while taking part in the discussions relative to the questions of the day, my father's friends seemed confident that he would maintain their cause with good results to them, and with credit to himself. Such words as the following may attest that confidence:

"Your friends are so much pleased with your course in regard to those exciting subjects now among you—and here extant. The people of this county feel that they have a man in the House of Commons this session."

"Your friends here are all pleased with the course you have pursued in the Legislature and the manly way in which you have stood up for our rights."

"Your course meets the approbation of all conservative men of both parties."

"Many men who voted against you are now among your warmest friends."

And so much the more must these words have encouraged him, as he felt the force of what a friend wrote him about this time:

"Amid the various propositions and plans for action your position as a representative is a delicate and responsible one."

Below are extracts from two of his letters, written while in Raleigh, to his brother and to his father:

NOVEMBER 17, 1860.

Scores of the members of the Legislature are now here and the remainder will reach here by next Monday morning. All seem to feel that we have important and grave work before us. I am not able to say what action will be taken in reference to our Federal relations. * * * I confess myself somewhat astonished at what seems to be the feeling in reference to the Union here. All are indignant at the result of the Presidential election, but most of the members of the Legislature love the Union and are not now willing to give it up. * * * I shall act with great care and under a due sense of the grave responsibility that rests upon me. I shall act calmly, cautiously and not precipitately, haveing in view nothing but the honor, the welfare and safety of the people I have the honor to represent and the whole country. When I have made up my opinion as to my

duty, then I shall act promptly and endeavor to *discharge my whole duty* and *at all hazards*. * * * I have heard nothing said of Internal Improvements yet. As I feared would be the case, Federal politics engross the whole attention. This evil must be combatted as successfully as possible.

RALEIGH, N. C., February 3, 1861.

MY DEAR FATHER:— * * * You have learned by this time that the Convention Bill has passed into a law. You will learn its details from the papers—I voted uniformly for a convention, because I thought and still think, the *people* ought to act in the present great emergency. But I was not satisfied with the Bill. It limits the action of the Convention to federal affairs, when, in my judgment, the action of that body ought not to be limited at all. I thought so for many reasons with which I will not now trouble you. It is sufficient for us to realize now that a Convention will, in all probability, be called by the people for a particular purpose. And it becomes the great and patriotic duty of *good*, *conservative* men to see that none but *good* and *reliable* men—men of *cool*, *sober* judgment compose the Convention. Such men will certainly do *enough* in the Convention, and fire-eaters and rash disunionists ought not to be trusted at any time and especially at a time of great peril like the present. It is therefore, that I hope, the moderate men of our county will see that a *good* man, an *unflinching* man becomes a candidate *at once* for the Convention. * * * If the moderate men of the State control the convention, then we are safe in the Union if possible, *out of it*, if *absolutely necessary* and only in this event. * * * The prospect of a satisfactory adjustment of pending difficulties is gloomy enough indeed, now, but I am glad to be able to say to you, that the prospect within the last two or three days is brighter than for some time prior to that. I look with some confidence to the action of the commissioners from several States which assemble at Washington tomorrow. I think that convention will at once agree upon terms of compromise and these will be acted upon by Congress and submitted to the people. If so, then our country may yet be saved,—if not, then will hope be *almost* extinguished. * * * While I hope for the better, I fear the worst. * * *

My private affairs need my attention and I am anxious indeed to be at home, but since I have undertaken for the public, I must *do my whole duty*. * * *

I have endeavored to discharge my whole duty here and I have reason to believe that I have brought no dishonor to the name I bear.

For years before this exciting period of the State's history he had been zealously working for reform, writing

against political abuses and in favor of newer modes of political management and better platforms for parties and people. The people's rights he esteemed of paramount value. He sought through the press to advocate the ideas he felt could be advanced for the best interest of the people. A friend, in writing of him at this time, says:

"Although quite a young man comparatively, he has taken a high stand at the bar, and, without doubt, is one of the most promising young men in our State. He is also a high-toned, honorable gentleman, and has always been one of truest and most devoted party friends. And this is not all; he is a man of untiring energy, and when he puts his hands to the plough he never looks back."

At this time, seeking to advance the prosperity of his State through the press and through personal appeal to those in authority to act, it is not surprising that we find his sentiments to be the following:

[December, 1857.]

Something ought to be done at once for *North Carolina*. My whole object is to see N. C. in point of her Constitution and in point of State policy, wealth and greatness, placed upon an equality with the most powerful and prosperous States in our Federal Union. This * * * is not the case now and never will be while federal politics and policy control our State elections and through these our State policy. Federal politics for many years past have controled our State elections, greatly to the detriment of our State, both in reference to a proper reform in our State Constitution and in reference to our Internal Improvement policy.

Our country must be properly built up internally.

And in January, 1860, we find his sentiments much the same as formerly:

I am pleased and gratified at the firm and unwavering stand you have taken in behalf of those measures of reform in this State that involves the happiness and prosperity of our people. They must prevail if North Carolina ever takes that position as a member of our federal Union, that she ought to occupy. Indeed, in my judgment, the questions of reform that now agitate the minds of our people, are rapidly becoming the paramount questions of the day, and I ardently hope they may swallow up federal

politics next summer. Nothing shall be lacking on my part to effectuate this most desirable end. * * * *I am for reform in North Carolina.* The people are for it and they are all powerful when they act.

I am for the Constitution, the Union and the laws of the land, and while I have a country, I know no north, no south, no east, no west but one *common* country. I love this priceless heritage bought with the best blood of the Revolution and consecrated by God himself.

If unfortunately the Union should be dissolved, then, of course, I shall be for the South alone, and as true to its interests as I now feel, to the interests of the American Union. I solemnly believe that ninety nine one hundredths of the people in this section of the State entertain similar views.

That man who advocates disunion, would sap the very foundations of this Government and spill the life-blood of its firmest and most patriotic supporters. Washington looked upon disunion as the worst of political evils. He well knew its tendency in any government, and especially in one like our own. And he admonishes us to look to *union* as the palladium of our political safety and prosperity. He learned well, the worth of union in the struggle for Independence. In it he hoped for success; he fought under its banners, victory crowned his efforts and we are this day the blessed enjoyers of the result of his and his brethren's toils. Union in effort saved us from English oppression, union has made us one of the most powerful nations on earth, union has caused us to prosper and enjoy prosperity for three quarters of a century, and where is the man that does not say *Union, Union* now and forever, one and inseperable!!

When the crash of separation came, and the South plunged into the bloody conflict, my father volunteered in the Rough and Ready Guard, a company from his native mountain section, but he afterward accepted a captaincy in the commissary department of service as assistant to Colonel William Johnston, and served at Fort Macon, Ocracoke, Weldon and elsewhere. Being appointed Solicitor for the Western District by Judge French, he accepted the position, and it is said that he rendered valuable aid in quelling disorder and civil strife in that section of the State and in insuring respect for civil measures. He was elected to the same office, which he held until his election by the Legislature to be Judge of the Superior Court of the Eighth Judicial District in the year 1865.

No written records can give a full account of such scenes as those that took place in that mighty civil struggle; their widest influence cannot be measured by mortal art or ingenuity. History may give its most accurate accounts of cause and effect, may speak in glowing terms of victory or in gloomy words of defeat, yet sometimes such words but give the shadow of reality that lies behind the causes and effects that concern a nation's welfare. The result of those four years of civil strife may be found indelibly engraved upon the hearts and homes made desolate by a void that even now is felt.

There were other heroes who endured that war than fought on battlefield or stood at the cannon's mouth. The courage and heroism of the Southern women, who also had privations to share, in anxiety and loneliness, their little ones gathered around the hearth-stone, a double care and anxiety—this is not entirely unknown and unapplauded. At home the dangers were sometimes great. Robbers and marauders were not unknown visitors in various localities and civil law had nearly given place to the autocratic rule of the stronger of contending persons and parties. The idea that all's fair in war seemed to hold sway in such districts, and it required courage, dauntless resolution and moral nerve in him who would withstand the opposing current of popular feeling.

As Solicitor in such turbulent localities it is said that my father's life was often imperiled in his efforts to vindicate civil authority; but the principle apparent in his character in later years seems to have urged him to the performance of what he believed to be right and his duty, cost what it might of personal danger.

An incident that occured during the period of his Solicitorship is told of him that shows his fearlessness of conse-

queuces when he knew his actions to be right. The inhabitants of Madison county, men of strong Union sentiments, had made an incursion on Marshall, the county-seat, whose people, it seems, held opposing views and were warm secessionists. Plundering and depredation were the result of the lawless attempt. A large number of armed men from Buncombe, angered at this manifestation of lawlessness, set out to inflict punishment upon the offenders. In the face of opposition, and the dangerous whispers of some that he was trying to screen Union friends, the young Solicitor dared not sanction the violation of justice and insisted that civil power remain inviolable so that civil measures might be taken to punish the offenders and not the means that unjust and unreasonable anger dictated.

Such letters as the following show the extent of lawlessness that then prevailed in some districts of the State and the corresponding amount of courage required in him who would rashly seek to subdue it:

"CLAYTONVILLE, N. C., May 10, 1865.

"A. S. MERRIMON, ESQ.,

"MY DEAR SIR:—We have a committee of five appointed by a public meeting held at Brevard to ask the United States military authorities at Asheville for some sort of protection. We expect to be at Asheville by 10 or 12 o'clock on Friday (to-morrow) and want a conference with you and the head officers of the command together immediately on our arrival.

"The cruelty of many of the robberies are perhaps unheard of in civilized life, such as roasting men in the fire to extract from them hidden treasures. * * * They roasted J—— O——'s gold out of him. They built the fire to roast —— night before last after all other means had failed, but was prevailed on to defer it until Friday night by his sick daughter, Caroline, who promised them to dispose of a fifteen hundred dollar note for gold and let them have what she could sell the note for in gold. There is not a day or night but more or less robberies are committed. Many of the best farms are stripped of almost everything and not a horse left to plow. —— says if there is a knife, fork, spoon, table-cloth, plate, pillow-slip or sheet or blanket left on his place he does not know it, except what was over and under his sick daughter, and scores of

others are being treated in the same way and their persons shamefully beaten by the robbers. We believe that most of the robberies are committed by bad men from other States, with a few deserters from both armies and a few bad boys in the neighborhood. Most of them are known to some of our citizens. The citizens have been deprived of their arms by both the robbers and soldiers; we are impotent so far as making any defense is concerned. Will the authorities aid us? If not, will they allow us to arm ourselves in self-defence? L. S. G."

And when the end of the struggle came and the South lay prostrate at the feet of the conqueror, the Lost Cause perished with the lives of those who loved it, then were the dregs of the cup of bitterness to be drained and the recompense of strife and contention to be reaped by all the fair Southland.

It was a time of disorder and confusion. Says one, writing to my father about this time:

"There has been a terrible mob at Charlotte, and we are here on a volcano; there is an awful amount of stealing going on—the estate of the defunct Confederacy is being administered even before she was buried."

And another:

"Corruption stalks abroad everywhere; violence usurps the place of law."

Just after the war, when President Johnson ordered an election for members of a State Convention to be held in Raleigh, my father offered himself as a candidate, but was defeated by Rev. Dr. Stewart. In December, 1865, the Legislature elected him Judge of the Eighth Judicial District, and he was qualified in January following.

The duties of such positions were by no means light at that time and the same difficulties that had met him as Solicitor now lay in his way to the performance of the trust his people had confided to him. However, he was not deterred from the prosecution of that which was for the

good of the people and the State; which fact was shown by his vigilance and faithfulness in carrying out the law to the letter and by his summary manner of dealing with those who willfully defied authority, even though the sway of civil power and peace was gained with the cost of friendly feeling towards himself. Such a course was followed in the counties of Clay, Cherokee and others where hostilities were imminent among communities and even among neighbors, and where the reign of law had to be re-established upon firm and uncompromising terms.

Reconstruction stalked abroad with all her ignominy to the Southern people, and not only by the masses were her measures severely felt, but by those in authority and therefore more exposed to the jolt of collision between civil and martial power. While holding court for a certain district Judge Merrimon received orders to suspend proceedings against certain parties from General Sickles. But in this instance there was no collision of authority, as the case was continued on affidavit. The like orders were received at still another sitting of the court, and, recognizing his inability to cope with military power, my father resigned the Judgeship, feeling that only by so doing could he remain true to his oath of allegiance to Constitution and State. He gives the reasons that influenced him in his resignation in a letter addressed to Major-General D. E. Sickles, which was found among his old papers:

My settled convictions of duty, growing out of my obligations as a Judge of the State under the Constitution and laws of the State and of the United States, will not allow me to recognize or obey any military order whatsoever that may come to me while exercising my office in court or at chambers.

I have accepted a high and important office under the State Government put in operation by it and have taken the oaths of office indicated above. I as Judge cannot deny the validity of the State Government, and

I cannot repudiate my oaths of office at will and disregard the plain laws of the land, which I have sworn I would maintain and administer. The act of Congress cannot operate to change my present official obligations, and the State Government has taken no steps to do so and I do not suppose it will, at all events, in time to relieve my present embarrassed situation.

I therefore deem it due to you and myself to state now in the frankest and most respectful manner, that I cannot and will not recognize or obey any military order that may come to me. The conviction of my mind is clear, that if I should do so, I would thereby violate my oath of office and prove false to the high trust conferred upon and accepted by me, and besides I would degrade the Judiciary of the State.

I do not wish to do anything to excite or irritate the public mind, nor do I wish to hinder or delay the reconstruction of the Government, and I make this suggestion now, so that you may understand my sense of duty. If you will say to me, that I will not be allowed to hold the Courts as heretofore and that you will exercise your superior power to prevent me from doing so, in order to avoid a conflict that would result in no good, I will tender my resignation at once, to the end some one may be selected who can discharge the duties of Judge accordingly as you may direct without any violation of any official oath or obligation.

I beg to assure you, that this letter is not prompted by any captious spirit or any disposition to embarrass or retard the reconstruction policy of Congress. Indeed, so far from this, I am anxious above all things politically, for a happy and cordial reconstruction of the Union. I am sure that the people of the State and the whole South can have no tolerable degree of prosperity in any respect until this is done.

Having sent his resignation to Governor Worth, Judge Merrimon was persuaded to withhold it until after he should preside at the approaching term of Chowan County Court, at which term the famous Johnson will case was to be decided. It has been said that this case was perhaps the most important civil case ever tried in North Carolina, and one which involved the validity of bequests of the largest amounts ever contested in this State, and also that on both sides there was drawn together the most brilliant array of legal talent that ever pleaded in one cause in the annals of our Superior Court judicature. The trial of this case lasted four

weeks, and during this time many important points were brought up for the decision of the Court. It must have been gratifying to the Judge who presided on that occasion to know that upon no point was he overruled by the higher Court, but instead, his well-defined grasp of the many points at issue, his wise rulings for the administration of sound justice, were approved and complimented. His characteristics as a Judge at this time may be shown by such words as the following voluntary expressions of his friends:

"To be engaged in the trial of one cause for four weeks, and in the almost infinite number of points raised during that long period not to make a single mistake, *is* remarkable and is entitled to laudatory comment."

"It gives me great pleasure to say to you that the brethren everywhere, and they are in the main the best judges, concur in expressing the highest approbation of your official qualifications."—*R. B. Gilliam.*

"I am more than pleased with your system and industry in dispatching cases, and not less with your humane and considerate and wise manner of distributing justice to the freedmen, so different from some who love to gratify an insane hatred to the poor blacks because they are free, by lashes—lashes—lashes."—*B. F. Moore.*

"It may gratify you, Judge, to know that the single term which you held here had a happy and manifest influence in elevating the judicial character and in inspiring respect for courts and a desire to see their dignity preserved. I think it cause for public regret that you find it necessary to resign your place as Judge. I am afraid that we are breaking all the fastenings that bind us to civil and constitutional liberty and that we shall soon be without law, powerless—helpless—on the broad sea of anarchy."—*Joseph J. Davis* (*1867*).

On the acceptance of his resignation by the Governor, Augustus Merrimon resumed the practice of the law and removed to Raleigh, where he entered into a partnership with Hon. Samuel F. Phillips, afterwards United States Solicitor-General, under the firm name of Phillips & Merrimon. Here he obtained a successful and lucrative

practice, his clients comprising not only residents of his own State, bankers and corporations, but also various firms in the larger cities, New York, Philadelphia, Baltimore, Charleston and others. Besides his regular legal pursuits, a fertile field for practice then being found in the Federal Courts, he took great interest in the affairs which vitally concerned the people, and in the restoration of a sound and stable government. As a member of the Democratic party he was for a time Chairman of its Executive Committee, and by that committee was nominated in 1868 for Governor. He declined the nomination. Afterwards he was nominated for Associate Justice of the Supreme Court. The decision was practically determined by the balance of power that lay in the hands of the gainsayers of Democracy.

For a time one of the Directors of the Western North Carolina Railroad Company at an important period of its history, he interested himself in the welfare and material prosperity of his State; he thought for the betterment of her condition as well as for his own achievement.

Who may say how little all human achievement appeared to him then, when, in the presence of the death of two of his little darlings, his heart was bowed beneath the weight of affliction and sorrow God had seen fit to send upon him —sent in the infinite purpose of Him who knows the earthly clinging of the heart to earthly idols, and with Divine love behind the dispensation.

The golden locket with their pictured forms was a sacred memento which he kept and treasured through the remainder of his life.

His was no heart of adamant, but he possessed a great and noble spirit, zealous in the cause of the right and of justice, but easily touched by the sufferings of others, by the pathetic and the pitiable. That he possessed the beautiful

trait of sympathy for the distressed, let the words of a grateful friend testify, who says:

"I feel now my inability to pay either in words or any other way a fractioual part of the debt of gratitude that I owe you, but I hope it may not always be so; and when I think that what you have done was done when you could see no hope of reward in this world, it only makes me feel the more so; rest assured, my dear sir, that I will always be as ready to help you in any hour of trial as you have been to help me in this my darkest day iu life."

In 1870 my father zealously fought the evils incident to the "Kirk War," and of his conduct at that time his friend, Mr. Armistead Jones, has said:

"His voice was constantly raised in defense of civil liberty, and energies directed towards checking the usurpatious of the political party then in control of the State and Federal Governments, when it became a part of the policy of that party to foist upon the South the reconstructiou amendment to the Constitution, which placed under disability many of the best class, and exteuded to the ignorant aud incapable the power of control, and when, in order to successfully execute that policy, the writ of *habeas corpus* was suspended and martial law declared in certain counties of the State, aud men were arrested and imprisoned by a *quasi*-military authority, one of the first to come to the rescue was Judge Merrimon. His talents were devoted towards sustainiug the law of his fathers and upholding the principles of civil liberty that were so near to his heart. He was one of the first to apply for writs of *habeas corpus* and to appeal to the judiciary, and finally he was largely iustrumental in procuring the release of the persecuted by order of Judge Brooks."

His earnest efforts in behalf of the prisoners illegally held by Kirk won a well-deserved recompense in their gratitude and affection. Following the exciting events of this period came the impeachment of Governor Holden, in which cause Judge Merrimon was associated with Hon. Thomas Bragg and Hon. W. A. Graham as counsel for the prosecution. A friend, in speaking of the part assigned my father in that trial, has said:

"To him was given the duty of examining the witnesses, and his examination was perfect. It was as fine an exhibition as has ever been seen in the conduct of a legal cause. From that time Judge Merrimon's reputation rested on the most solid and enduring foundation."

In 1871, with ex-Governor Bragg, D. M. Barringer and G. H. Alford, he was a candidate from Wake county for delegate to a State Convention to be called by a majority of the votes of the people, and to be held in Raleigh. He was defeated and the Convention was not held. In 1872 he was nominated by the Democratic party for Governor and, it is said, made a strong and able canvass of the State. But again defeat was to be met, and Governor Caldwell took his seat by virtue of a small majority. The idea of contesting the election was advanced, because it was the opinion of some of Judge Merrimon's friends that he had been rightfully elected. But having faithfully endeavored to perform the duty incumbent upon him as his party's nominee, he acquiesced in defeat that brought with it no dishonor. To quote the opinion of the press:

"It is not too much to say that, though overpowered in that campaign by the force of Federal supervisors at every polling-place, Judge Merrimon, by his magnificent canvass, by his able and dignified discussion of the issues then paramount in a gubernatorial campaign, strengthened the Democratic party for two coming struggles in 1874 and 1876, and prepared it for the great victory which, with Vance leading, made North Carolina the first State in the column of the Solid South after reconstruction."

"His speeches were indeed masterly. He often spoke for hours, and all know the vehemence of his declamation, the earnestness and force which characterized his forensic efforts. Only a frame of his great physical power could have endured the strain. It was a wonderful demonstration of his mental capacity and physical endurance."

Though nominal defeat crowned this, one of the greatest efforts of his life, yet it was not wholly defeat; doubtless he endeared himself in that memorable campaign to the

hearts of many by his patriotic enthusiasm, his stirring words of unmistakable meaning with reference to the principles of Democracy, and beyond these—duties of citizenship to a common country.

In December, 1872, at the assembling of the Legislature, his name was brought forward for the United States Senatorship. The name of Hon. Z. B. Vance was also presented. To quote the press again:

"There was a long contest over the Senatorship, which at length was brought to a close by the withdrawal of both Vance and Merrimon. Subsequently the Democratic caucus again nominated Vance, and almost immediately the Houses met in joint session to take a vote. The Republicans, hoping to disorganize the Democrats, voted for Merrimon, and some Democrats who had remained out of the caucus voted with them, and two or three, perhaps, who had participated in the caucus again voted for Merrimon, and elected him. All of this was without his knowledge. The news was communicated to Judge Merrimon while engaged in the Federal Court. On consideration he did not decline the election. He thanked the men personally who voted for him; but he did not allow the manner of his election to swerve him from his adherence to the party."

"He would not accept the place until he had called together Governor Graham and other discreet, wise and highly honorable gentlemen to consider whether under the circumstances he could with proper self-respect accept the place. They unanimously decided that he could do so."

That comment, even severe criticism, should be made upon his accepting the election goes without saying. But, heeding not the false accusations leveled against his integrity as a politician, he pursued the course he believed to be right and honorable. That this was true a friend testifies, who wrote these words:

"I think you to be one of the few who does take a part in politics and is honest."

And

"If 'Peace on earth, good-will to men,' is your platform (and I believe it is) I am with you most cordially."

"I thought that at a time when censures were being heaped upon you by many of those who were recently loud in your praise it might be pleasant to you to know that that class of your friends who have but little to do with politics, and no personal ends to serve by party issues, have still unabated confidence in you, and rejoice that one of the best types of moral character goes to the highest place within the gift of the people of the State."—*Rev. Mr. Reid.*

For himself, he could say:

I feel invincible strength in the rectitude of my intentions and acts.

And of his future actions:

As a Senator, by the blessing of Providence, it is my unalterable purpose to do my utmost to benefit and bless the whole people, and especially my immediate constituents of all classes, conditions and colors. I shall insist upon right for all, I will not willingly tolerate wrong or oppression to any. I am anxious to see the Union rest firmly and forever upon the Constitution—to see it completely and cordially restored in the hearts of the people, and its government so administered as to make it indeed, their paramount political good. I wish to see its government just, great and glorious, exercising its mighty powers for its own protection, as well as for the maintenance and protection of all the rights and powers of the States composing it, within their respective spheres as governments.

I am essentially Conservative in my opinions and conduct, and as in the past so in the future, I shall be a Conservative, having for my political guidance no other political chart than the Constitution of my country. I will never cease to advocate and uphold those great principles of free government and civil liberty I had the honor to proclaim during the late political campaign in this State.

Having taken his seat in Congress, he applied himself to unravel the difficult problems and intricate questions of material importance to the country at large which then lay before the law-makers for solution. He amassed information concerning the important subjects pending discussion at that time in Congress, and worked aggressively for the maintenance of his State's right and honor among her sisters. And so six years were passed, wherein the days, even night hours, were given to the earnest study of a nation's welfare and

interests. His speeches delivered in that august body are fitting representatives and memorials of his efforts; such were the following: On the Financial Condition of the Country; on the Subversion of Civil Liberty in Louisiana; on the Civil Rights Bill; on Military Usurpation in South Carolina; on the Silver Bill; on the Exercise of Elective Franchise; on the Japan Refunding Bill; on the Thurman Bill in respect to the Pacific Railroad Companies, and others, including a bill for the expansion of the currency to the extent of $50,000,000 in an increased issue of greenbacks. The bill was passed by Congress, but was vetoed by President Grant. Of his speech on the Louisiana question a friend wrote:

"Permit me to commend that feature in your speech which calls back those of our Northern Senators who seem to forget their obligations to their country. Glorious days returning when a rebel Senator from North Carolina rebukes with all the earnestness of his nature Northern Senators in Congress for infidelity, to the Constitution and sustains himself so well."—*M. H. Justice.*

"Allow me to say that I feel grateful to you for recalling to the Senate's attention the great fundamental principles of liberty, from which there was a gross departure in the mode of our reconstruction. Andrew Johnson's fame will eventually rest on his vetoes, which exposed the departures."—*B. F. Moore.*

And no doubt there was additional encouragement afforded him in these criticisms in regard to other Senatorial arguments:

"I admire your speech for its genuine tone of Southern sentiment, casting behind the past and invoking the honest judgment of the North in behalf of the South. I think you have effected much to restore good relations between the sections."

"The great masses approve your support of Hayes and your efforts to destroy sectionalism and animosities."

Besides taking part in Congressional debate—one of his efforts, it is said, occupying an entire night—he served

usefully upon the committees on the post-office, on post roads, on privileges and elections, on claims, on rules, on the District of Columbia, and was a member of the committee to investigate the difficulties concerning the Presidential election affairs in South Carolina, in the interest of which he visited that State. In the examination of evidence in this, as in other Senatorial investigations, his knowledge of law must have been of great usefulness to him; that he made use of it is shown by the declaration of Hon. Oliver P. Morton, who, it is said, publicly declared him to be "the ablest lawyer on the floor of Congress."

At the close of his term of service friends warmly expressed the desire that he should be returned. Their approval of his course as a Senator is evidenced by many letters received by him at the time:

"You have been a faithful and valuable representative of your State and of the South during your whole term of service. I have had occasion to observe your high integrity and devotion to principle, and to admire it."

"How you can find time, whether as an eminent statesman in your seat in the United States Senate deeply engrossed in thoughts and measures to promote the best good of the country and of your State and the South, or whether at home thinking and working for the best good of North Carolina in all her sections and relations, to stop occasionally for a few minutes to read humble productions like mine and to say a kind word to me and others, passes my understanding. But you do it, you answer everybody's letters, you are always ready to serve a true North Carolinian, you are always at your post, always thinking and acting for the people of North Carolina, with a heart that beats true and steadfast for the country at large."—*S. S. Salchwell.*

"Senator Merrimon has already attained a national reputation—a world-wide fame as one of our greatest statesmen; therefore let us use wisdom, not prejudice, in the matter and retain him in the Senate so long as he continues the able and assiduous statesman and patriot he now is."

However, he was not returned to the Senate at the expiration of his term of office. The respect and admiration of his friends were a merited recompense for his labors.

"You have many warm friends in this section of the State, friends who have watched you for years, and who not only rejoice that your public record is without a blot, but that there is not even an act over which they feel called upon to cast the mantle of charity."

"Although it is my lot to differ from yourself in my political tenets, I cannot but express my admiration for your magnanimous course in the race for Senatorial honors, and must say that your many friends in North Carolina think that even in defeat you were victorious."

At the end of his Senatorial service his own words testify that he had followed the course he had prescribed for himself at its beginning:

I have endeavored to serve my State and people and the whole country faithfully. * * * I think I can truthfully say, that I have not neglected the business interests of any one, rich or poor, white or black, and without regard to party affiliations, when the same have been brought to my attention and I might be properly charged with them. And while I have paid due regard to the highest interests of the country and particularly those of the people whose immediate servant I am, I have been ever faithful to the democratic party.

I can't conjecture what the future has in store for me; but under all circumstances I intend to do what I conceive to be right and leave no stain on my name when I shall be called to my final account. It is my purpose to go at once into the active and zealous practice of my profession.

While representing his State in the councils of the nation at Washington, his law office at Raleigh was kept open by two of his friends, with whom a copartnership had been formed—Hon. T. C. Fuller, now Judge of one of the Federal Courts, and Hon. S. A. Ashe, under the firm name of Merrimon, Fuller & Ashe. Returning from Washington, my father entered upon a lucrative practice of the law. On the withdrawal of Mr. Ashe to pursue journalism the firm became Merrimon & Fuller. In the practice of law, which he finally pursued alone, he continued to labor, gaining from it, perhaps, a better income than that which awaited him upon the bench. In the year 1883 he was appointed by Governor Jarvis to the seat upon the Supreme

Court bench made vacant by the resignation of Judge Thomas Ruffin, Jr. This appointment was twice confirmed by the votes of the people at the polls.

On the death of Chief Justice Smith, in November, 1889, Judge Merrimon succeeded him as the chief judicial officer of the State. The people again showed their confidence in his fitness for the position by giving him, it is said, about 40,000 majority at the election following the appointment which had been made by Governor D. G. Fowle.

As occupying this honorable position it seems that he acquitted himself, as in the discharge of former duty conferred upon him by the people, with inflexible purpose for the triumph of right against wrong, justice over oppression, and the maintenance of the law's demands inviolable. As a Judge it was said of him:

"While upon the Supreme Court bench much of his attention was given to settling the practice under the Code, and he was specially fitted for this work. He cleared away the uncertainty that enveloped points of practice, construing the statutes in a plain and concise way, so as to have it express its true meaning. His opinions, beginning with the 89th volume of our Reports and extending through the 109th volume, abound with such force and learning as will ever mark him one of the greatest and purest Judges of modern times. He was broad, and at the same time possessed a power of concentration that enabled him to discern the true principle and deal with it at ease. He was a bold, just Judge, fearless of consequences when he believed he was right. He at no time stooped to popular prejudice or opinion, and sustained through life a spotless name. While upon the bench he scorned the idea of being influenced by outside popular feeling, and had the courage and manhood to give his opinion of the law as he in conscience understood it.

"What was more natural than that this man whose life-work had been spent in following precedents, in establishing highways through the intricacies of legal questions, in the support and maintenance of those principles of human conduct that the experience of the best and wisest of men has determined to be most durable and most worthy, and who illustrated by his own ways that the most exalted plane of highest virtue was his con-

stant aim, should be found at the last with his eyes fixed upon Him who is the fountain and source of all law, of all things which are for the best of mankind?

"Yes, the closing scenes of his life gave evidence trumpet-tongued that he who loved truth in law here shall stand forever blessed in the presence of Him who is the great lawgiver and maker.

"His belief and his mode of living here were in the eternal fatherhood of God and the boundless brotherhood of man. In the world above, where the reign of law is supreme and without infringement, shall this just man live forever."*

*From the speech made by Mr. Armistead Jones at the presentation of Judge Merrimon's portrait to the Supreme Court, on Tuesday, March 27, 1894.

THE BEAUTY OF HIS LIFE AND CHARACTER.

Without doubt the strong points in the character of him of whom these pages have sought to tell were brought out prominently in his life-work, in his whole career at the bar, in the Senate and on the bench. To enlarge upon them in description is, perhaps, unnecessary, and yet there are in human character many minor peculiarities, shades of temperament and disposition which the world knows not of, but which make up the complete man, and, blended with the more marked characteristics, constitute for each one an individuality. To describe the delicate fabric of character with accuracy, and to give to others one's own view of it, and the significance of every detail of its composition, is not an easy task. By its fruits the tree is to be judged, and in a man's life-work are most clearly seen the thoughts and intents of his heart.

From the cordial expressions of his friends, with reference to my father's character, the emphasis of their admiration seems laid upon his integrity, his uncompromising uprightness, as upon the strong foundation on which the sterling qualities of his character were built. That such were indeed component parts of it is shown in instances during his early life when he sought to maintain the broad principles of right and justice in opposition to party prejudice, and, in the words of a friend of his boyhood days, did not allow himself to be swayed from the right by every breath of popular opinion. He was glad to believe that from youth his attainments were, humanly speaking, the result of his own earnest endeavor and individual effort.

His education—not the complete collegiate course of the boys of to-day, but more rudimentary, with more of outside toil for him who would succed, his manual labor on the farm, his first toilsome years of practice at the bar, with the succeeding difficulties occasioned by the Civil War—all these were stepping-stones for him, laboriously ascended in face of disadvantage and to be made conducive to still further advancement. God gave him natural ability; he, for his part, did not fail to improve the talent given him. If "the esteem of our contemporaries is the highest reward of the citizen," surely that reward was his of whom these words were written:

"An incorruptible man. Threats could not intimidate him, money nor the trappings of office could not bribe him. Honesty was written in his very countenance; bad men feared him, and good men looked up to him as the bold and eloquent defender of their rights and the rights of the people."

It has been said that "There are four qualifications for a Judge: Inflexible integrity, intellectual ability, learning in the law, and the judicial temperament. If to these are added long experience and a just sense of the dignity of the bench, the result is a magistrate *teres atque rotundus.*"

Whether Judge Merrimon possessed these characteristics or not it is for the world to determine, but with an innate sense of justice he combined the quality of mercy, a trait that should ennoble and beautify the character of every Judge, making him no mere mechanical adjudicator for the people, meting out a certain portion of penalty to every offender, but whatever the rulings might be behind them lay the heart's warm sympathy for the weak and the oppressed. The administration of justice in such a manner betokens that spirit which is destined to triumph finally over the crime of our land, to supersede our work-houses

and penitentiaries and to circumvent and conquer the purposes of lawlessness by its own pure weapon—the sword of the Spirit.

This trait of my father's character—sympathy for the poor and wretched—is manifested in reading the words of a grateful friend who tells of "a circumstance that will never be effaced from my memory—you rose from a bed of sickness in very cold weather, had me released as a captive to return to a family in distress."

With this kindness of heart and warm, sympathetic nature there was combined a strong devotion to justice and regard for the rights of others. These he respected and disliked to see them infringed upon. He was courteous and polite to high and low, to each race, without distinction. It was often that one might hear him say to a servant, "Well ——, have you said your prayers to-day?" and again, talking to those whose life was passing in caste and scale much lower than his own of religion and that which makes each human soul alike in God's sight—a common burden of sin. In his mode of living, as in his charity, he was unostentatious, and back of the mere alms-giving lay the fellow-feeling for the good of him to whom the charity was offered. In the affairs of daily life he was punctual and methodical. He himself said: "My rule is promptitude in all things," and during his entire term of service on the Supreme Court bench (up to the time of his last illness) he never missed a moment of being punctually at his place on the opening of court. Indeed, from early manhood, duty had led him on to fulfill the requirements of his profession, and he realized that "the practical lawyer's life is not one of ease and luxury, and especially in that section of the country." With good grace could he give to another the advice by which he himself

had profited: "Determine to overcome every obstacle, however imposing in its character or dimensions." With respect to his own method of dealing with his fellow-men he said: "It is a rule of my life to deal *fairly* with all men and to never exact more than a *fair* compensation for services. Indeed, I do not always exact this." He loved his profession and was a student in its realms. In summer, when the session of active duty was over, and the mental toil and earnest application in the work of the Court seemed to have wearied him, he would still read his law-books, review cases, write opinions, and in this way continue his work, while in truth his health required absolute mental and physical rest. Especially during the latter part of his life did he seem wedded to the books of his profession—the law, its philosophy and history. But this did not preclude his interest in and fondness for works of other kinds. He was a systematic reader of the Bible, and in his library one might find many books treating of the great truths of religion, the momentous questions of life, its mysteries and its purpose. Liddon's Bampton Lectures, which he had been reading shortly before his last illness, were arguments full of thought and force to him. In lighter literature he was fond of Dickens and Thackeray, especially of the former, whose alternate pathos and humor could touch his heart and bring the tears into his eyes, or draw forth his hearty laughter. He loved to reread the scenes that impressed him in Dickens' graphic word-painting of child-character, the death of Little Nell, of Paul Dombey and of Vagabond Joe in Bleak House. My father understood the motive of the writer of the latter scene, which so strongly appeals in so simple a manner to the heedless world that forgets the wretched dying in ignorance about us.

This little note written to a friend who had loaned him a tender little tale of child-life, evidences his love for such pure and pathetic literature:

Dear Samuel, I thank you for the opportunity to read "Misunderstood." I read it last night with pleasure and tears. It softens my nature and touches my heart. What a pretty story of child-life mixed up with parental life! What beautiful thoughts so well expressed in the purest diction! A story of little children—their natures—their love of parents—their longings for the love and sympathy of mother and father—their amusements—their adventures—their little heedlessness—their joys—their heartaches—their hopes—their confidence and trust! And oh, the loss of them!

The little book—a tale so simple—touches the good side of me, and it helps me to see and appreciate the goodness and gentleness of your own heart!

Samuel, may you and I, by and by, as we pass into the shade or the brightness of the other life, hear "the voice from heaven as the voice of many waters"—hear "the harpers harping with their harps," and hear the song, "as it were a new song," that no man could learn * * * but the hundred and forty and four thousand redeemed from the earth." And may we each, though gray with age, like poor little Humphrey, be able to say, "Has God sent you to fetch me at last, Mother? Oh, Mother! I'll come! I'll come!" Pretty thought!

The story—parts of it—reminds me of those of "little Paul Dombey," "Vagabond Joe" and Little Nell."—Did the writer get some of the touching expressions and pathos from them? I won't say so.

Thank you for commending the story to me.

Yr. friend, A. S. M.

Monday morning, January 7, '89.

But my father's friendship for authors in the world of fiction was not confined to the writers referred to above, for he had amassed a valuable collection of the works of the world's great thinkers, and his library was a source of deep interest and pleasure to him. He understood the value of good books and their salutary influence over narrow minds, for from them he had acquired his own broad field of information and was enabled thereby on so great a number of varied subjects to give his intelligent and edify-

ing opinions. The law was indeed his specialty, but by no means were the length and breadth of his strong, far-reaching mental powers circumscribed within this narrow limit.

He was a fluent and effective speaker, whether in Congressional debate, on the hustings, at temperance meetings, or school commencements, full of earnestness on those themes that lay so near his heart, and always with something to say that met some need. The cause of temperance was dear to him; he had seen the sting and sin of the evil of intemperance and pronounced it "the crowning temporal curse of humanity." Education for the masses, intelligent labor and progress for all classes and conditions of people, were subjects which he could discuss with more than theoretical interest. He believed in the nobility of labor, be it of the hands or of the head. To him there was no degradation in honest manual toil. The honor or dishonor rested upon the manner of doing the work, not upon the work itself. A friend said of him:

"He believed in every man's having a purpose, and devoting himself to his life-work vigorously and earnestly. He never made a speech in which he did not strive to impress upon those who heard him the dignity of labor and the beauty of uprightness and justice. He hated the distinctions which modern custom puts on the word labor. He once said to me: 'I have no respect for a man who does not work. The Creator made all men to labor, and the man who is an idler, and who is not a laborer, is not following the mission of his creation. I am as much a working man as if I shoved the plane or worked on the farm. I have worked on the farm, but I never labored so hard or became so fatigued as since I have been a Judge. All men who do their duty are laborers, whether on the bench, at the forge or in the field.' * * * He believed in work, and he believed in integrity of life. He practiced what he believed. His life was free from blame, and he always had unwavering faith in God."

My father loved Nature; the singing birds, the soft, green grass, the blooming flowers and verdant shrubs were

sources of pure pleasure to him; he would watch the graceful maples, the glossy magnolias, the dense-leaved oaks through whose branches the golden sunlight flitted, and the horse-chestnut trees as they grew and expanded year by year; all these were interesting to him in their beauty of growth and development. Sometimes when the roses bloomed, in his walks among his favorites, he would cut a deep crimson or full-blown pink one and bring it in to present to some one of the family as an offering beautiful and acceptable. He loved to hear the songsters in the trees, to watch the ducks in their ablutions, or the playful antics of the cat, and to give to his faithful horse and dog the evidence of their master's affection and regard for the welfare of his dumb creatures. It was but natural that he should love to contemplate the broad realm of Nature, for from infancy and boyhood she had surrounded him with her grandest forms in mountain, stream and valley. Of those early scenes he says: "The glorious mountains! O, I love them as I love myself."

This love of Nature is shown in letters written by my father to those who held the first place in his heart and whose welfare was first in his thoughts. Extracts from those letters are given below, and just here it may be said that his writing was not very legible; indeed, to some it was a troublesome matter to read his letters, so unusual were the formations of some of the words. "Your writing," wrote a friend, "is hard to decipher, and were it one of your 'opinions' it might come very well under the description of *lex non scripta*."

WASHINGTON, D. C.

I sit thinking of home and the dear ones there while I write these hasty lines. I feel lonely. Did you ever feel lonely with hundreds all around you? It is not always that the heart feels cheered by company—mine often runs off after distant ones and no charms can call it back. My

heart is at home! And how dear home is! Home, home!! Word that stirs the soul with intense longing! There is no place like home! There one may find friends indeed—those who appreciate—those who love and sustain. Dark hours and days may cast their shadows there, but behind the shadows—'neath the rain-fall, however dark, the light of love and sympathy shines on brightly and truly. I often think of this and it affords me pleasure. Here and elsewhere I see the smiles of affected friendship—I turn only to home and dear ones there, to find that love and friendship which is pure and will never die.

To his daughter:

I am glad to see that you enjoy contentment—that you are learning—that you begin to love to learn and that you have the soft sunshine of contentment in your soul. * * * We ought to draw pleasure from all about us—did you ever think of this? There are the sun and moon and stars—the trees, the shrubs, and then too, especially, flowers. What a field flowers afford for innocent pleasure! Then to do this, you must understand their nature—their form, their color—their scent and the seasons that suit them—all these things and more you must know of them, and you can learn from books.

My dear little daughter, God bless, protect and direct you in all things—save you from sorrow and sighing through all the pathway of life, and after awhile when you shall quit this world, I want you to be, I trust you will be, a beautiful angel in a world far more beautiful than this! Good men in all ages have firmly believed that there is a fairer world than ours, and I love you so much and so tenderly, that I want you to go to that beautiful land. Isaiah says, "And a highway shall be there, and a way, and it shall be called the way of holiness; the unclean shall not pass over it, but it shall be for them; the wayfaring man, though a fool, shall not err therein. No lion shall be there, nor any ravenous beast shall go up thereon—it shall not be found there; but the redeemed shall walk there. And the ransomed of the Lord shall return, and come to Zion with songs and everlasting joy upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away." What beautiful words and how comforting! Don't you think so? And would you not like, when you have to leave this world, to go there? In the same chapter it is said, "The wilderness and the solitary place shall be glad for them; and the desert shall rejoice and blossom as the rose." What beautiful words and thoughts! I almost want to go to that land; don't you? Get your Bible and read the 35th chapt. of Isaiah and tell me what you think of it.

While sitting here alone in my room a few moments ago reading, I heard some one in the parlor not far off, singing and playing on the piano,

"*Nearer my God to Thee.*" As the music, very sweet, fell on my ears, I felt very sad, and in a moment my thoughts were with you at home. Reflecting a moment, I said to myself, what does this mean—this idea "nearer my God to thee?" What is God? And why should I wish to be near to God? Well, I have an idea of what God is; but I fear it is an imperfect one; my notion is, that God is the incomprehensible—supreme in all respects—being—existence—that made all things—that upholds all things—that fills eternity—that always existed—that exists now and always will exist in absolute perfection, however or by whomsoever considered or thought of. And He made all things well, for a purpose, a wise and good purpose. He made us, you and me, for a good and wise purpose, that we might obey the laws prescribed for our government * * * if we observe the course of conduct He has prescribed for us, our nature will be in absolute harmony with His.—Our object ought to be, to make our nature harmonize with His nature. * * * We desire to go towards that rule of perfect conduct—in doing so, we must get nearer to God, and hence the song says, "Nearer my God to Thee"—that is, nearer to a perfect observance of Thy will—Thy law! I am sure, when I consider our nature—our wants—our desires—our requirements—the consistency and harmony that ought to prevail in human conduct—that we may come to desire that the *will of God be done; the perfect will of God be done.* I can see and understand that the doing that will implies blessedness, happiness, and that there is no happiness without this. * * * Why is it, seeing these things, that we will not observe this perfect law—will of God? Ah, this is a grave question, and to me it implies a great mystery. Why should we wish to do wrong, when we know that the consequence of so doing is *misery*, unhappiness, discontent! Can you tell me? See if you can. * * * Why should any one lie, swear, steal and do a thousand things that bring shame—disgrace and misery? Is it not strange indeed, that thousands do so? And why will we not practice virtue in all our acts and thoughts—sincerity, honesty, uprightness in all things, especially when we see that from such a course of conduct come peace, confidence, comfort, ease of *conscience!* How confident, how trustful, how respectable, how fearless, is he who has conscious innocence! I think that many persons do wrong from *carelessness*—from *inadvertence*—they do not reflect upon what is right—they contract habits of doing wrong and one wrong leads to doing another. * * * We ought to think of our acts before we do them—look at the nature of them and the consequences to flow from them—and this question should always be present in our minds—is this right—can I stand by this proposed act? If we would be thus careful, I'm sure we would be much better than we are. The birds sing * * * they follow out the law of their nature. * * * why may not you do so too? See the flowers that you love—

they follow the law of their nature—the law of God—how beautiful they are—they do their office—why may you not do the same and be more beautiful than they?

I want you to be ever glad and bright—then you will make your mother and me so. If I hear a bird sing cheerily, I feel encouraged and cheered; don't you? Strive to make all about you happy; lift up your soul—live while you may and make the most and best of life!

On the death of his wife's sister:

I can well understand that you are sorrowful and gloomy—that you all are so. But it is not well to give way too much to gloom—God has spoken—He knows best. We should submit to His supreme will, and learn from such manifestations of His Providence, the deepest wisdom. By and by, we too must pass the like solemn test. Shall we be ready? Let us so square our lives, that in the end, we can pass from this life quietly with confidence and living hope!

To his son at school:

Be sure to read your Bible regularly. From it you can get rich stores of information that will fit you to live and die. Do not wait to see what others do in this respect.—You must set the example.

This is my *birthday*. This day I am fifty three years old! And how little I have accomplished in life for myself, for my family, for society and for God! I feel sad indeed, while I reflect how much I might have done and how little I have gotten out of life! But still, my life has been one of constant labor.—I have not known what are commonly called the pleasures of life. I have sought for that I have not gained. I have however, one comforting reflection—I have not brought reproach on the name I bear—if my family and friends have no reason to be proud of me, they, on the other hand, need not blush for me. I might have done more and better; I might have done less and worse. O, that I had done more!—As I stand at this point in life's way, I ask myself the solemn question, what shall the future be? How shall I go, in what way, what shall I do, to accomplish most—how shall I most surely extract the *juice—the essence*, of the remnant of life left to me? How shall I ennoble my own life, how shall I benefit and bless my family and society, and above this, how shall I get nearer to God? I want to do what, under nature and God, I ought to do. But I am weak and ignorant—I go stumbling along in the dark, through doubt and apprehension. What shall I do, how shall I do to fill the measure of duty—of life! My prayer is, that God will help, strengthen and direct me!—I realize that life is lapsing fast—at most, I must go hence

before a long while, and O where?—My life is chastened by the departure of dear ones, I shall see no more, certainly, in this life. I find myself constantly thinking of them, and asking myself the question, when shall I go hence too? * * * I'll put these things behind me, and go forward with an honest purpose, and a firmer resolution and courage, to do life's duty! That is it—to do one's duty! One's honest duty! I shall do all I can for my family, all I can for society—all I can for God!

The day is bright and glorious! I feel impressed by it. The earth, the sunshine, the trees, the shrubs, the grass, the songs of the birds, all things seem so calm, so peaceful—a spirit of worship seems to fill the air! * * * I think, I feel that God is great—that God is good! And I send you salutations of peace and love! The shrubs, the flowers, the trees look charmingly and gladden my eyes whenever I look upon them. Just at daybreak, I hear the concert of birds—how sweet and cheerful—they seem to be singing morning songs to God! How happy they are! They cheer me. I lie and listen and listen, and think of dear Mary and her sweet songs and long to see her.

Very nearly akin to this love of Nature lay my father's fondness for sweet, soulful music, for songs that dwelt upon the purest themes and those that told of Heaven. Among his favorites, were "My Ain Countrie," "Nearer my God to Thee," "On Jordan's Stormy Banks I Stand," and "Jesus, I my Cross Have Taken." On the Sabbath, his work laid aside, he usually attended the church of his preference, the Edenton Street Methodist Episcopal Church, South. However, he was not bigoted with respect to this preference, but often enjoyed worshiping with the members of other denominations. If on the Sabbath he failed to attend service for some reason he deemed a sufficient hindrance he would read his Bible, the Psalms—David's beautiful soul-cries, and John Wesley's Sermons. The latter sometimes he would read aloud for the benefit of whoever might be with him. Hall's, Marvin's and Bascom's Sermons were among his favorites also, but the fertile mind of Wesley seemed to bring forth more fully and clearly that which satisfied his need. Up to a short time before

his release from the flesh he had not formally connected himself with the Church; but his mind had been deeply engaged upon the weighty questions of eternity and of the salvation of human souls. He was an honest man; his honesty was apparent in this, the most serious question of his life; and he had deferred taking the vows of the Church until, from his inmost soul, with the faith of a little child, without which none shall enter the Kingdom of Heaven, he could repeat those solemn words.

This was indeed the crowning beauty of his life, the summit of its achievement. Like Newton, it seems that he realized that man's wisdom is but the shadow of God's knowledge—yea, foolishness with him; that the highest pinnacle of human attainment is but a feeble elevation from which the mind can more clearly perceive, though in but meagre part, God's infinite love and plan and purpose.

Physically my father had been a man of robust health, stout but strong and vigorous before disease laid its deadly hand upon him, and then the change was but a gradual one. His face and head were finely shaped. His brow was broad and high and his countenance frank and gentle, with an underlying expression of strength and firmness. But the face became thinner as the days passed on, and paler; the body was yielding to the demands of a too incessant mental labor, insomuch that he was forced to consult a specialist of Philadelphia. The case did not seem critical, and with proper mental rest it was thought that good effects would result. Dyspepsia, an old enemy, troubled him greatly; the sorely needed rest was not taken, and work went on apparently unwearyingly until the tired frame refused to obey the will, and on the 14th day of September, 1892, he lay down to obtain the rest he had denied himself so long. The immediate cause

of his illness was malaria, and in his weakened condition the old disease that had troubled him for several years gained ascendancy of Nature's recuperative powers. Sciatica and dyspepsia added serious discomfort, and the proper nourishment that he could receive failed to build up the fast ebbing strength. For eight long, weary weeks the once powerful frame sought earnestly to free itself from the shackles of disease and to rise to vigor and freedom again. How anxious he was to be up, pursuing his duty at Court and bearing his share of the burden there! How often the work seemed present to his thoughts, when, even in the wanderings of his mind, he addressed the imaginary client, or spoke in pitying tones of one whose cause had failed, "a poor woman." Propped up with pillows and sustained by strong, loving arms, in face of the opposition of physician and loved ones, he signed the licenses for the law students who were at that time to be examined. That trembling, faithful hand as it traced those wavering lines sought in the hour of weakness, with the signs of ebbing life upon that pallid face, to be true to the trust his people had committed to him. It was remarked how patiently he bore the pain and discomfort of his illness, how patiently he waited to be up and at his work again. His clothes were brought out at his request, ready that he might put them on. Ah, he resumed them no more! And when hope seemed fading away he spoke of giving place to another who could serve the people in his stead and do the work which he felt should be done.

"It is honest and honorable," he said, forgetful, it would seem, of his own labors and deserts, and thoughtful of the good of the State and the accomplishment of the work of its judiciary.

What thoughts were sometimes his, as he lay with closed

eyes, are revealed to us in these words, which he was heard repeating: "My God! I worship and adore Thee; I trust in Thee! I will be ready when Thou callest me hence—in Thine own good time."

On the afternoon of November 2d he made the following statement to his pastor, Rev. J. N. Cole, who took the words down, as nearly as he remembered them, after leaving the sick-room:

"Mr. Cole, I don't know whether I am to live or to die, but I think I am getting close to the end.

"I am prepared to die. I am ready for the great event. I am not afraid to die. And the ground of my preparation is faith in the Lord Jesus Christ. *He* is everything in salvation.

"I want you to receive me into the Methodist Church. I am a Methodist. My whole life has been in the sympathy and love of Methodism. And I want you to announce next Sunday, without ostentation, that Judge Merrimon has been received into the Methodist Church; that I am not able to come to the church, but desire to have this announcement made because it is proper that it should be made."

On the next day he assumed the vows of the Methodist Church, and with her who had been his beloved companion in life's journey since his boyhood, and with those who loved him, he partook of the blessed sacrament of the Lord's Supper. His faith was firm and bright, and he was waiting, yea, ready, for God's will to be done.

About a week before the end some of his favorite songs were sung to him, and he repeated to the nurse a verse of one of them that seemed inexpressibly beautiful to him:

"An' these sights an' these sounds will as naething be to me,
When I hear the angels singin', in my ain countrie."

How soon he heard that song of inexpressible beauty! On the morning of the 14th of November, 1892, ere the sun had gladdened the earth with his morning rays, the

soul of Augustus Merrimon passed into the presence of the Sun of Righteousness and into the realization of the beautiful words he had so often read:

"I will behold Thy face in righteousness: I shall be satisfied, when I awake, with Thy likeness."

"Spirit! Thy labors are o'er,
Thy term of probation is run,
Thy steps are now bound for the untrodden shore
And the race of immortals begun.

"Spirit! Look not on the strife
Or the pleasures of earth with regret,
Pause not, on the threshold of limitless life,
To mourn for the day that is set.

"Spirit! No fetters can bind,
No wicked have power to molest,
There the weary like thee—the wretched, shall find
A haven—a mansion of rest.

"Spirit! How bright is the road
For which thou art now on the wing,
Thy home it will be with thy Saviour and God,
Their loud hallelujah to sing."*

*A favorite of my father's.

REMARKS OF HON. WALTER CLARK AT THE MEMORIAL MEETING OF THE BAR.

NOVEMBER 23, 1892.

MR. CHAIRMAN:—It was said by one of old that the "friendship of a good man is a gift from the gods." For years I had known Judge Merrimon at the bar, and later as a Judge of this Court. But for the last three years it was my fortune to know him most intimately. Side by side at the hearing of causes and in the consultation chamber, and, as our homes lay in the same direction, almost daily in our walks to and from this place, I came to know him well. Not in the language of eulogy and admiration, but in the sober words of truth and justice, he was one of the best and truest and noblest men I have ever known. He bore malice to none. Of injuries to himself he retained no recollections. To those who knew him well there was a singular lovableness in the simplicity of his character. He was broad and catholic in his views of men and things. At all times he possessed the courage of his convictions, and more than once or twice with him "the path of duty proved the way to glory."

He loved his fellow-men. He was essentially a man of the people. He earnestly desired their best good. Instinctively the masses understood him. Few men have ever lived in this State who have so completely commanded their respect and their entire confidence. And none have more deserved it. "To the last he kept the whiteness of his soul, and so men mourn over him." He first saw the light in Transylvania, in the midst of that glorious land of peak and valley,

> "Where the heart of Nature
> Beats strong amid her hills."

There, as Burns said of the Poetic Genius of Scotland, the guardian Fate of his native State "Found him at the plow and threw her inspiring mantle over him." From that moment to the scene which was his latest he was always found in the path of duty and honor. From the hour he entered public life his State heaped her honors upon him, refraining not from the very highest and rarest in her gift, nor until, with the slow moving feet of those who bear the dead, and with the voice of them that wept, from this chamber where they lay in state, the mortal remains of the seventh Chief Justice of this Court were borne in honor to their last

resting-place. Though not an old man, barely turned of three score, he has departed full of honors, while the friends who began the march of life with him have been scattered like leaves in wintry weather.

North Carolina has long since made up her verdict upon the character and services of this, her son. No blemish in the course of a long and splendid public career ever attached to his name.

In the Senate of the United States he so bore himself that none could doubt that he had no other end in view than to serve the best interests of his State and country. After he had retired from the Senate, one Governor, with universal public applause, placed him on this Court, and another gave him its chief place. Both appointments were unanimously indorsed by the conventions of the Democratic party, to which he belonged, and were ratified by overwhelming majorities at the polls.

The report of the committee has so completely outlined the leading events of his career that it would be repetition to refer to them, nor shall I allude to that record of his industry and talents which is to be found in twenty-two volumes of the Reports of this Court.

We cannot but be struck with the rapid changes which have succeeded one another on the bench where he sat. In the last quarter of a century there has been a vacancy, on an average, every year and a half. In the last three years three of its five members have been removed by death. In some respects the public lives of all three bore a resemblance. Each of the three, before coming upon this bench, had represented his State in the National Councils at Washington, and each had come from that ordeal with fame untarnished and without so much as the smell of fire on his garments. With Judge Davis his relations had been especially close. Together for years at Washington, where one sat in the Senate, while the other was in the House, they were later reunited on the bench of this Court, where they sat side by side for many years, and almost together they went down into the tomb. "Lovely and pleasant in their lives, in death they were not divided."

A few weeks since some of us stood with the Chief Justice amid the thronging crowd when upon the lonely hill-side amid the sighing pines the body of his friend and ours was laid to rest. And now he, too, has passed beyond our gaze. Thus we are again brought face to face with the great Mystery. They whom so lately we met in these walls, and with whom we talked as man to man, will return no more. In which of yon wheeling worlds now move those deathless souls, those inextinguishable spirits, which yesterday knew as little of the future as ourselves, but which now in wider intelligence survey the vast orbit of creation? Or is it in some more distant world, far removed from mortal sight, that they await the final trump of the resurrection? In vain we ask these questions—but again and again as the portal swings wide open and with never-ceas-

ing tramp brother after brother passes down and out into the illimitable beyond, humanity asks the ever-repeated, never answered question—whither?

"We know not where His islands lift
Their fronded palms in air—
We only know we cannot drift
Beyond His love and care."

Beyond reproach and above suspicion, they were both an honor to their profession, which, foremost at all times in contests for civil liberty, can in reply to its calumniators always point with pride to such as they in full rebuke to those who would assail the high standard of its integrity. If pure-hearted, honest men are "the noblest work of God," North Carolina has had no nobler sons. We believe them now

"Something far advanced in state."

They went not hence suddenly and without warning. Life's duty done, their life-work crowned, laying aside the troubles and sorrows which infest this pitiful life of ours while the full orb of their being was slowly sinking to its setting, calmly under the lengthening shadows of the sunset, their spirits lingered by the shore; but

"When the gorgeous sun illumed the eastern skies
They passed through glory's morning gate
And walked in paradise."

The poet of paganism who lives amid the blaze of the now expiring nineteenth century tells us—

"Pale beyond porch and portal,
Crowned with calm leaves, she stands,
Who gathers all things mortal
In cold, immortal hands."

But death is not immortal. There was a time when it was not, and hence there must come a day when it shall surely cease to be. Yet, were it true that there is no future for the soul, there would still be an immortality for the good deeds whose influence, perpetuated by one generation acting upon the next, shall live in ever widening circles as "the great world spins forever down the ever ringing grooves of change." Our brethren are not dead to us. For us they still live, move and breathe in the example and the influence of noble lives, and these things can never die.

"Were a star quenched on high
For ages would its light,
Still traveling downward from the sky
Bless our mortal sight:

"So when a good man dies,
For years beyond our ken
The light he leaves behind him lies
Upon the paths of men."

As I repeat these lines, Mr. Chairman, I know that there comes back to you those well remembered words of Tacitus, in speaking of one who in his day also deserved to be remembered well of his countrymen. Said he in the sonorous tongue of old Rome:

"*Quidquid ex eo amavimus, quidquid admirati sumus, manet, mansurumque est in eternitate temporum et fama rerum*"—

"Whatsoever of him we have loved, whatsoever of him we have admired, remains and will remain in the eternity of time, and in the fame of his deeds."

Judge Merrimon was long an anxious and earnest seeker after the eternal truth. It was a subject on which he loved to discourse. Of him it might have been said in those enduring lines:

> "I pray thee, then, he said,
> Write me as one that loves his fellow-men—
> The angel wrote and vanished. The next night
> It came again with a great awakening light,
> And showed the names whom love of God had blessed,
> And lo! his name led all the rest."

In his last illness the longing of his heart was gratified, and he found that peace which passeth all understanding. The star of his life went not down behind the darkened west, but it set like the morning star, which melts in the brightness of the coming day.

These are not idle ceremonies. The lives of good men are not lived in vain. A State does well to arouse the emulation of the rising generation by the example of those who have served the people faithfully and well. Rome and Greece filled their temples and porticos with busts and paintings of their illustrious dead. We can at least place before the living the simple but truthful story of those who, in the hours of danger and threatened disaster, by their eloquence and their moral courage upheld the wavering cause of civil liberty, and who, spurning every temptation, found their reward in the gratitude of an admiring people, and reached the highest honors of the republic.

Here below our deceased friend is henceforth only a recollection, and if, unlike wealthier commonwealths, we cannot turn his features into living bronze or monumental marble, let his memory and the memory of such as he be copied in the lives and deeds of those who shall come after us. Then when hereafter shall come days of danger and disaster, then when shall come, as come to us they must, days of evil, there shall be still men like unto him in the land, and our people shall not need to cry out in vain and hopeless agony, as so many nations have done, "Oh! for the touch of a vanished hand, and the sound of a voice that is still."

*And I heard a voice from heaven saying unto me, Write, Blessed are the dead which die in the Lord from henceforth: Yea, saith the Spirit, that they may rest from their labours; and their works do follow them. * * * And they shall see his face; and his name shall be in their foreheads. And there shall be no night there; and they need no candle, neither light of the sun; for the Lord God giveth them light: and they shall reign for ever and ever.*—REV. XIV: 13; XXII: 4, 5.

BIO B M571M

Merrimon, Maud Lillian.
A memoir, Augustus Summerfield Merrimon.

3 3091 00112 8339

Restricted To Use In Library

NORTH CAROLINIANA